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OF THE

STATE OF ILLINOIS

ENACTED BY THE

Forty-Fifth General Assembly

AT THE

REGULAR BIENNIAL SESSION

TO THE TIME OF TAKING A RECESS ON MAY 16, 1907

Begun and Held at the Capitol, in the City of Springfield, on the Ninth
Day of January, A. D. 1907, and Adjourned on the Sixteenth
Day of May, A. D. 1907 to the Eighth Day of
October, A. D. 1907.

PRINTED BY AUTHORITY OF THE GENERAL ASSEMBLY OF
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EXPLANATORY.

This compilation does not include the six acts making appropriations in which certain items were vetoed, the Governor having returned said acts with his objections to the clerk of the house in which the same originated. The six acts are known as Senate Bills Nos. 108, 119, 396 and 537 and House Bills Nos. 60 and 330.

ERRATUM.

Page 27. For item of appropriation to Eastern Illinois State Normal School, "for woman's building and gymnasium, 1,000.00", read "for woman's building and gymnasium, 100,000.00."

TABLE OF CONTENTS.

| ADMINISTRATION OF ESTATES : | PAGE. |
|---|-------|
| An Act to restrain all trusts and directions of deeds or wills whereby the profits or produce of real or personal estate shall be accumulated, and the beneficial enjoyment thereof postponed beyond the time therein limited..... | 1 |
| An Act to amend section 102 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, as amended by an Act approved June 15, 1887, in force July 1, 1887..... | 2 |
| ADOPTION OF CHILDREN : | |
| An Act to amend sections 1, 2 and 3 of an Act entitled, "An Act to revise the law in relation to the adoption of children," approved February 27, 1874, in force July 1, 1874..... | 3 |
| AGRICULTURE AND HORTICULTURE : | |
| An Act to amend sections three (3), six (6) and eight (8) of an Act entitled, "An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, as amended by an Act approved April 24, 1899, in force July 1, 1899..... | 5 |
| ANIMALS AND BIRDS : | |
| An Act to provide for the inspection of any animal intended for human food, appearing to be diseased, and for the disposition of the carcass..... | 7 |
| An Act to provide for the payment of bounties for killing crows..... | 8 |
| An Act to provide for the payment of bounties for killing ground hogs..... | 9 |
| An Act to regulate and fix the time of killing fur-bearing animals..... | 9 |
| APPROPRIATIONS : | |
| An Act to amend section seven of an Act entitled, "An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, and making an appropriation therefor..... | 10 |
| An Act to extend the equipment and increase the instruction in the College of Agriculture of the University of Illinois, and to provide for the extension of the Agricultural Experiment Station, and to make appropriations therefor | 11 |
| An Act making an appropriation for the Illinois Farmers' Institute and county farmers' institutes..... | 14 |
| An Act making an appropriation for the State Board of Agriculture and county and other agricultural fairs..... | 16 |
| An Act making an appropriation to the Attorney General to be used in the employment of special counsel and assistance in the trial of the case of the State of Illinois against the Illinois Central Railroad Company..... | 17 |
| An Act making an appropriation for the payment of amounts awarded by the Court of Claims to certain persons named therein..... | 18 |
| An Act making an appropriation for the Illinois State Bee-Keepers' Association | 19 |
| An Act making an appropriation for repairs to the locks, dykes and dams in the Illinois river, at Henry and Copperas Creek, and for the maintenance of navigation in and along such portions of the Illinois river as are under the jurisdiction of the canal commissioners..... | 20 |
| An Act making an appropriation for the ordinary and other expenses of the State charitable institutions herein named..... | 21 |
| An Act to authorize the trustees of the Soldiers' and Sailors' Home at Quincy to sell certain real estate and to purchase certain other real estate, and making an appropriation for such purchase..... | 22 |
| An Act making an appropriation for the Illinois Dairymen's Association..... | 23 |
| An Act making an appropriation for the construction of the building for the use of the Department of Justice..... | 24 |
| An Act to create an educational commission, to define its powers and duties and to make an appropriation therefor | 24 |

APPROPRIATIONS—*Continued.*

PAGE.

| | |
|--|----|
| An Act making appropriations for the ordinary expenses of the State educational institutions herein named..... | 25 |
| An Act making appropriations for the State educational institutions herein named | 26 |
| An Act making appropriations for the University of Illinois..... | 28 |
| An Act appropriating to the University of Illinois the money granted in an Act of Congress, approved August 30, 1890, entitled, "An Act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts," established under the provisions of an Act of Congress approved July 2, 1862; and the money granted by an Act of Congress approved March 4, 1907, entitled, "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908"..... | 30 |
| An Act to make an appropriation for the benefit, aid and maintenance of the Illinois Firemen's Association | 30 |
| An Act making an appropriation to meet a deficiency in the expenses for returning fugitives from justice..... | 31 |
| An Act making appropriations for the payment of employes of the Forty-fifth General Assembly..... | 32 |
| An Act to provide for the incidental expenses of the Forty-fifth General Assembly of the State of Illinois, and for the care and custody of the State House and grounds, to be incurred and now unprovided for | 32 |
| An Act to provide for the incidental expenses of the Forty-fifth General Assembly of the State of Illinois, and for the care and custody of the State House and grounds, to be incurred and now unprovided for..... | 33 |
| An Act making appropriation for the payment of the officers and members of the next General Assembly, and for salaries of the officers of the State government | 33 |
| An Act making an appropriation to the Governor, to be used in the investigation and examination of the books, records, reports and accounts of the Illinois Central Railroad Company..... | 34 |
| An Act making appropriations for procuring documents, papers, materials and publications relating to the northwest and the State of Illinois..... | 34 |
| An Act to provide for the compilation, editing, publication and distribution of a commemorative and historical volume to be entitled, "Illinois at Vicksburg," and making appropriations therefor..... | 35 |
| An Act making an appropriation in aid of the Illinois State Horticultural Society | 37 |
| An Act making an appropriation to the Internal Improvement Commission of Illinois, for the purpose of repairing and strengthening the levee at Shawneetown, Illinois..... | 37 |
| An Act making an appropriation for repairs of the Lincoln Homestead..... | 38 |
| An Act making an appropriation for the Illinois Live Stock Breeders' Association | 38 |
| An Act to make an appropriation to the State Milk Producers' Institute. An Act to appropriate \$1,000.00 for the Milk Producers' Institute of Illinois.. | 39 |
| An Act to commemorate the heroism, valor and patriotic services of the Illinois volunteer soldiers in the army of the Union in the civil war, who died in Andersonville prison (officially designated Camp Sumpter), in the county of Sumpter, in the State of Georgia, while confined there as prisoners of war, by the erection of a suitable monument, either in the National cemetery or on the site of the prison stockade at that place; creating a commission for such purpose and appropriating a sufficient sum of money therefor..... | 39 |
| An Act making an appropriation of one thousand dollars (\$1,000) for repairing the tomb of Elias Kent Kane, second United States Senator from Illinois | 40 |
| An Act making an appropriation for constructing and erecting a monument in Riverview park, at Quincy, Illinois, to the memory of General George Rogers Clark..... | 41 |
| An Act to provide for the purchase of overcoats, dress and service uniforms, and pea-jackets for the Illinois National Guard and the Illinois Naval Reserve | 42 |
| An Act to purchase armory site for Second Infantry, Illinois National Guard, and sixty (60) acres additional ground for Camp Logan, Illinois..... | 42 |
| An Act to appropriate the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, for the purpose of constructing an armory building for the use of the Seventh Infantry, Illinois National Guard, located in Chicago, Cook county, Illinois, provided that there shall be deeded to the State suitable ground upon which to erect said armory, the site to be approved by the Governor and Adjutant General..... | 43 |
| An Act making appropriations for the ordinary and other expenses of the Southern Illinois Penitentiary at Chester, Illinois..... | 44 |
| An Act to make appropriations for ordinary and other expenses of the Illinois Penitentiary at Joliet..... | 44 |

| APPROPRIATIONS— <i>Concluded.</i> | PAGE. |
|--|-------|
| An Act creating a commission and providing for the acquisition of land for the re-location of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals, and for the building of a new Illinois State Penitentiary and a new Illinois Asylum for Insane Criminals at or near the city of Joliet, and making an appropriation therefor..... | 45 |
| An Act making an appropriation for the Illinois State Poultry Association... | 48 |
| An Act making an appropriation for a deficiency in the appropriations for the purchase of printing paper and stationery and for making payments for printing and binding for the State under State contracts..... | 48 |
| An Act to appropriate two months' and five days' salary to the estate of the late Justice Wilkin..... | 49 |
| An Act making an appropriation of the amount of the uncollected salaries of Daniel V. McDonough and Daniel Buettner, deceased members of the Forty-fifth General Assembly, in favor of the mother and widow of each, respectively | 50 |
| An Act to provide for the office of the State Entomologist, to define its duties and to extend its equipment..... | 50 |
| BANKS : | |
| An Act to amend sections four (4), five (5), ten (10) and eleven (11) of an Act entitled, "An Act concerning corporations with banking powers," approved June 16, 1887; submitted to a vote of the people at the November election, 1888, and adopted, as amended by an Act approved June 3, 1889; submitted to a vote of the people at the November election, 1890, and adopted, as amended by an Act approved June 4, 1897, and ratified by the people at the election of November 8, 1898, and adopted, as amended November 28, 1898..... | 52 |
| BASTARDY : | |
| An Act to amend sections one and three of an Act entitled, "An Act concerning bastardy," approved April 3., 1872, and in force July 1, 1872..... | 56 |
| CEMETERIES : | |
| An Act to amend section one of an Act entitled, "An Act in relation to the control of public graveyards," approved May 29, 1879, in force July 1, 1879 | 57 |
| CHARITIES : | |
| An Act to amend sections 1, 4, 5, 6, 7 and 8 of an Act entitled, "An Act to provide for the location, erection, organization and management of an asylum for the incurable insane, and making an appropriation for the construction of necessary buildings," approved June 21, 1895, in force July 1, 1895 | 58 |
| An Act to authorize county authorities to establish and maintain a Detention Home for the temporary care and custody of dependent, delinquent or truant children, and to levy and collect a tax to pay the cost of its establishment and maintenance..... | 59 |
| An Act to amend section three (3) of an Act entitled, "An Act to provide for the visitation of children placed in family homes," approved May 13, 1905, in force July 1, 1905..... | 62 |
| An Act to promote the care and curative treatment of the insane..... | 63 |
| An Act to amend section six (6) of an Act entitled, "An Act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, in force July 1, 1899, and as amended by an Act approved May 13, 1905, in force July 1, 1905..... | 69 |
| An Act to amend an Act entitled, "An Act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 1, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, and as further amended by an Act approved May 16, 1905, in force July 1, 1905, by amending the title and sections 1, 4, 5, 7, 8, 9, 15 and 22 thereof, and by adding thereto nine (9) new sections to be known as sections 9a, 9b, 9c, 9d, 9e, 23, 24, 25 and 26..... | 70 |
| An Act to amend section one of an Act entitled, "An Act to enable cities to establish and maintain public hospitals," approved June 17, 1891, in force July 1, 1891..... | 78 |
| An Act to provide for the burial of deceased indigent or friendless soldiers, sailors or marines of the late civil war, the Spanish-American war, the Philippine insurrection and the Boxer uprising in China, or their mothers, wives or widows..... | 78 |
| An Act to regulate the granting of relief to indigent war veterans and their families, and to repeal a certain Act therein named..... | 79 |
| An Act to amend section 3a of an Act approved May 13, 1903, in force July 1, 1903, entitled, "An Act to amend an Act entitled, 'An Act to establish and maintain a soldiers' and sailors' home in the State of Illinois, and making an appropriation for the purchase of land and the construction of the necessary buildings,' approved June 26, 1885, in force July 1, 1885," by adding thereto four sections, to be known as section 3a, section 3b, section 3c and section 3d, respectively..... | 82 |

CHARITIES—*Concluded.*

PAGE.

- An Act to amend section 5 of an Act entitled, "An Act to regulate the State charitable institutions and the State Reform School, and to improve their organization and increase their efficiency," approved April 15, 1875, in force July 1, 1875, as amended by an Act approved May 28, 1897, in force July 1, 1897, approved April 3, 1899, in force July 1, 1899..... 82
- An Act to amend section 10 of an Act entitled, "An Act to establish and maintain a home for the disabled mothers, wives, widows and daughters of disabled or deceased soldiers in the State of Illinois, and to provide for the purchase and maintenance thereof," approved June 13, 1895, in force July 1, 1895 84

CITIES, VILLAGES AND TOWNS:

- An Act to amend section eight (8) of an Act entitled, "An Act to enable any city, town or village in this State to change its name," approved March 7, 1872, in force July 1, 1872..... 84
- An Act to provide a charter for the city of Chicago, to consolidate in the government of said city the powers now vested in the local authorities having jurisdiction within the territory of said city, and to enlarge the rights and powers of said city..... 85
- An Act to amend sections one (1), two (2), three (3), four (4), six (6), eight (8), ten (10), eleven (11) and sixteen (16) and the title of "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds 50,000 inhabitants, having a paid fire department," approved May 13, 1887, in force July 1, 1887, and as amended by an Act approved March 28, 1889, in force July 1, 1889..... 186
- An Act to amend an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as heretofore amended, by adding thereto a new section to be known as section 97a..... 193
- An Act to amend an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as heretofore amended, by adding thereto six new sections, to be known as section 15a, section 33a, section 61a, section 77a, section 89a and section 89b..... 195
- An Act to amend section one (1) of an Act entitled, "An Act to authorize the election of police magistrates in towns, cities and villages where the same are not now provided for by law," approved and in force April 13, 1875... 198
- An Act to amend section three (3) of an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns," approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901,, as amended by an Act approved and in force May 16, 1903..... 199
- An Act to amend section 8 of an Act entitled, "An Act to provide additional means for the construction of sidewalks in cities, towns and villages," approved April 15, 1875, in force July 1, 1875, as amended by Act filed May 18, 1905, in force May 18, 1905..... 200
- An Act entitled, "An Act to further enable cities, villages and incorporated towns to lease, purchase or construct water and sewer systems, provide for the payment of the same and any indebtedness thereon and contracts therewith" 201

CIVIL SERVICE:

- An Act to amend section 11 of an Act entitled, "An Act to regulate the civil service of the State of Illinois," approved May 11, 1905, and in force July 1, 1905 203
- An Act to amend sections 4, 6, 9, 10, 12, 18, 19 and 35 of an Act entitled, "An Act to regulate the civil service of the State of Illinois," approved May 11, 1905, in force July 1, 1905..... 204

CONVEYANCES:

- An Act to amend sections 101 and 102 of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897..... 207
- An Act to amend sections 11, 18, 48, 93, 94 and 108 of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897, and to repeal sections 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 of the same Act, and to add three new sections, to be known as sections 70, 71 and 72..... 208

CORONERS:

- An Act to amend sections 10 and 18 of an Act entitled, "An Act to revise the law in relation to coroners," approved February 6, 1874, in force July 1, 1874, as amended as to said section 10 by an Act approved May 31, 1879, in force July 1, 1879..... 213

CORONERS—*Concluded.*

PAGE.

- An Act to amend an Act entitled, "An Act to revise the law in relation to coroners," approved February 6, 1874, in force July 1, 1874, by adding thereto a new section, to be known as section 25..... 214

CORPORATIONS :

- An Act concerning the property of posts of the Grand Army of the Republic and camps of the United Spanish War Veterans, and to provide for the care and preservation thereof, and to repeal a certain Act therein named..... 214
- An Act to amend section 7a of an Act entitled, "An Act to provide for the punishment of persons, copartnerships or corporations forming pools, trusts and combines, and mode of procedure and rules of evidence in such cases," approved June 11, 1891, and in force July 1, 1891, as amended by Act approved June 20, 1893, and in force July 1, 1893..... 216

COUNTIES :

- An Act to amend an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874, and all Acts amendatory thereto 218

COURTS :

- An Act entitled, "An Act to give circuit courts in term time, and judges thereof in vacation, concurrent jurisdiction with the county courts, in all matters pertaining to the organization of farm drainage districts, and farm drainage and levee districts and the operation thereof"..... 220
- An Act to create one additional term of the circuit court in the county of Williamson, and to fix the time of holding the same..... 220
- An Act to create two additional terms of the circuit court in the county of Franklin, and to fix the time of holding the same..... 221
- An Act to amend section six (6) of an Act entitled, "An Act to amend an Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, as amended by Act approved June 11, 1897, in force July 1, 1897, as amended by Act approved May 14, 1903, in force July 1, 1903..... 221
- An Act to amend section 21 and section 23 of an Act entitled, "An Act in relation to courts of record in cities," approved May 10, 1901, in force July 1, 1901..... 222
- An Act to amend section nine of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, and in force July 1, 1874, and as amended by an Act approved May 13, 1879, and in force July 1, 1879..... 224
- An Act to amend section 86 of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an Act approved April 13, 1875, in force July 1, 1875..... 224
- An Act to amend an Act entitled, "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905..... 226
- An Act to provide for the election and time of election of judges of the superior court of Cook county..... 262
- An Act to amend section five (5) of an Act entitled, "An Act to diminish the number of judicial divisions of the Supreme Court, to change the time and places of holding said court, and to regulate the practice in said court," approved April 2, 1897, in force July 1, 1897..... 262
- An Act to amend section eleven (11) of an Act entitled, "An Act to revise the law in relation to the Supreme Court," approved March 23, 1874, in force July 1, 1874..... 263

CRIMINAL CODE :

- An Act to amend section 51 of division 1 of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874..... 264
- An Act in relation to wearing the badge or emblems of the Grand Army of the Republic, the United Spanish War Veterans' Association or the Army of the Philippines, to provide a penalty for a violation thereof, and to repeal a certain Act therein named..... 264
- An Act to regulate the manufacture, use and sale of cigarettes in the State of Illinois..... 265
- An Act to define and punish crimes against children..... 266
- An Act prohibiting the unauthorized performance or representation of any unpublished or undedicated dramatic composition or dramatic musical composition and penalty for the same..... 266

| CRIMINAL CODE— <i>Concluded.</i> | PAGE. |
|--|-------|
| An Act to regulate the manufacture, sale, use or disposal of embalming fluids containing arsenic or strychnine, and providing for a penalty for the violation thereof..... | 267 |
| An Act to regulate the sale of Paris green..... | 267 |
| An Act to prohibit the sale of tickets for more than the price printed thereon for theaters, circuses and places of amusement, and declaring same a misdemeanor and fixing the penalties therefor | 268 |
| An Act to prohibit the sale of tickets for more than the price printed thereon for theaters, circuses and places of amusement, and declaring same a misdemeanor and fixing the penalties therefor, and to repeal a certain Act herein named..... | 269 |
| An Act to amend section 271 of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1876 [1874], as amended by an Act approved April 27, 1877, in force July 1, 1877, entitled, "An Act to amend an Act entitled, 'An Act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874"..... | 271 |
| An Act entitled, "An Act to amend sections 5 and 6 of division 15 of an Act entitled, 'An Act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874, in force July 1, 1874"..... | 272 |
| DRAINAGE : | |
| An Act to amend section 15a of an Act entitled, "An Act to provide for drainage for agricultural and sanitary purposes, and to repeal certain Acts therein named," approved June 27, 1885, in force July 1, 1885, as amended by Act approved June 21, 1895, in force July 1, 1895..... | 273 |
| An Act to amend sections two (2), four (4), thirteen (13), sixteen (16), seventeen (17), seventeen and one-half (17½), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), thirty-seven (37) and fifty-eight (58), and to repeal section twenty-five (25) of an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by certain Acts herein entitled and to repeal certain laws therein named, approved June 30, 1885, in force July 1, 1885, as amended by an Act approved June 4, 1889, in force July 1, 1889, as amended by Act of June 23, 1895, in force July 1, 1895, as amended by Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by Act approved May 14, 1903, in force July 1, 1903, and to add one new section to be known as section seventy-five | 274 |
| An Act to amend section 31 of an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, as said section 31 was amended by an Act approved June 30, 1885, and in force July 1, 1885, entitled, "An Act to revise and amend an Act and certain sections thereof for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879..... | 282 |
| An Act to amend section one of an Act entitled, "An Act to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts and to legalize and validate former proceedings, bond in view to erection, maintenance and operation of such pumping plants," approved and in force May 13, 1905..... | 283 |
| An Act to amend sections four (4), eight (8), nine (9), eleven (11), twelve (12) and nineteen (19) of "An Act to create sanitary districts and to remove obstructions in the DesPlaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, as amended by an Act approved May 13, 1897, in force July 1, 1897, as amended by an Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 11, 1905, in force July 1, 1905, and adding section 19a thereto..... | 284 |
| An Act to amend section three (3) of an Act entitled, "An Act to create sanitary districts and to remove obstructions in the DesPlaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, as amended by an Act approved May 11, 1905, in force July 1, 1905..... | 287 |
| An Act to create sanitary districts in certain localities and to drain and protect the same from overflow for sanitary purposes..... | 289 |
| DRAM SHOPS : | |
| An Act to provide for the creation by popular vote of anti-saloon territory within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited and for the abolition by like means of territory so created | 297 |

DRAM SHOPS—*Concluded.*

PAGE.

- An Act regulating the admission of minors to public dance halls where intoxicating liquors are sold or given away, and providing for penalties for violation of this Act 305
- An Act prohibiting the sale, distribution or gift of malt, spirituous, vinous or intoxicating liquors near the United States naval training schools or military posts, and providing a penalty for the violation thereof..... 306

ELECTIONS :

- An Act to amend section 1 of article VII of an Act entitled, "An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885, as amended by an Act approved June 18, 1891, in force July 1, 1891, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved June 17, 1895, in force July 1, 1895, as amended by Act approved June 9, 1897, in force July 1, 1897, as amended by Act approved May 11, 1901, in force July 1, 1901..... 307

EMPLOYMENT :

- An Act providing for the reporting, compiling and publishing of information concerning accidents to and deaths by accidents of employes..... 308
- An Act relating to the manufacture of butterine and ice cream..... 309
- An Act to provide for the establishment of a department of factory inspection, providing for the appointment of factory inspectors and an attorney for the department, and prescribing their duties, and to repeal all Acts or parts of Acts in conflict herewith 310
- An Act providing for the protection and safety of persons in and about the construction, repairing, alteration or removal of buildings, bridges, viaducts and other structures, and to provide for the enforcement thereof..... 312

FEES AND SALARIES :

- An Act to amend sections 51 and 52 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 28, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, and all Acts amendatory thereto..... 316
- An Act to amend an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, Act as amended by an Act approved May 15, 1903, in force July 1, 1903, by adding thereto section 9a..... 320
- An Act to amend section 31 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, and Acts amendatory thereto; title as amended by Act approved March 28, 1874, in force July 1, 1874..... 321
- An Act providing for the payment by the county of Cook of further compensation to the State's attorney of said county 323
- An Act to amend an Act entitled, "An Act to allow a per diem fee to clerks of the circuit and probate courts in counties of the first and second class," approved June 7, 1895, in force July 1, 1895; approved May 10, 1901, in force July 1, 1901..... 323
- An Act to amend section fourteen of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 20, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by Act approved April 8, 1875, in force July 1, 1875, as amended by Act approved May 11, 1877, in force July 1, 1877, as amended by Act approved June 23, 1883, in force July 1, 1883, as amended June 26, 1885, in force July 1, 1885, as amended by Act approved June 4, 1889, in force July 1, 1889, as amended by Act approved May 11, 1901, in force July 1, 1901, as amended by Act approved May 14, in force July 1, 1903, as amended by Act approved May 16, 1905, in force July 1, 1905..... 324
- An Act to amend section 40 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by an Act approved March 28, 1874, in force July 1, 1874..... 326
- An Act to amend section 20 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874, said section 20 being amended by Act approved May 25, 1877, in force July 1, 1877.... 328
- An Act to amend section 8 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, as amended by an Act approved June 4, 1889, in force July 1, 1889, title as amended by Act approved March 28, 1874, in force July 1, 1874..... 329

| | |
|---|--------------|
| FEES AND SALARIES—<i>Concluded.</i> | PAGE. |
| An Act to amend section 3 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by an Act approved March 28, 1874, in force July 1, 1874..... | 331 |
| An Act to amend section 1 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, the title as amended by Act approved March 28, 1874..... | 331 |
| FISH AND GAME: | |
| An Act to regulate the catching of whitefish, trout, herring, chubs, longjaws, blackfins, perch and other rough fish in the waters of Lake Michigan under the jurisdiction of the State of Illinois..... | 332 |
| An Act entitled, "An Act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois, defining the duties of the fish commissioners, fixing their compensation and providing penalties for the violation of the provisions thereof | 335 |
| An Act entitled, "An Act to amend sections one (1), two (2), three (3), four (4), five (5), six (6), ten (10), twelve (12), sixteen (16), eighteen (18), twenty-five (25) and thirty-one (31) of an Act entitled, 'An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto,' approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905"..... | 344 |
| FLAGS: | |
| An Act to prevent and punish the desecration, mutilation or improper use of the flag of the United States of America..... | 351 |
| GENERAL ASSEMBLY: | |
| An Act to amend section twenty-six (26) of "An Act to provide for the election and appointment of the officers and employes of the General Assembly of the State and fix their compensation," approved May 28, 1877, in force July 1, 1877..... | 353 |
| INSURANCE: | |
| An Act to amend section 11 of "An Act to organize and regulate county fire insurance companies," approved May 11, 1901, in force July 1, 1901..... | 353 |
| An Act to amend section 8 of an Act entitled, "An Act to organize and regulate county fire insurance companies," approved June 6, 1887, in force July 1, 1887 | 354 |
| An Act to amend an Act entitled, "An Act to provide for the organization and management of fraternal beneficiary societies for the purpose of furnishing life indemnity or pecuniary benefits of deceased members or accident or permanent indemnity disability to members thereof, and to control such societies of this State and of other States doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith," approved and in force June 23, 1893, by adding a section to be known as section 4a..... | 355 |
| An Act defining who may become delegates or who shall have any voice in the management of or legislate for any fraternal insurance society doing business in the State of Illinois..... | 356 |
| An Act empowering fraternal beneficiary societies organized and existing under and by virtue of the laws of the State of Illinois to create, maintain and operate as a part of their organization a department for the purpose of providing and furnishing to their sick, disabled and distressed members and their families, free medical, home, sanitorium and hospital service and treatment and other material aid and assistance, and to create, maintain and disburse for such purposes a trust fund, to be raised by and from voluntary contributions, and declaring such departments to be charitable institutions and competent as such to be named, and to take as beneficiary by its members in certain cases..... | 357 |
| An Act to amend an Act entitled, "An Act to organize and regulate the business of life insurance," approved March 26, 1869, in force July 1, 1869, by adding a section to be known as section 6a..... | 359 |
| An Act to amend sections 1, 3 and 6 of an Act entitled, "An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State," approved April 18, 1899, in force July 1, 1899..... | 360 |
| An Act to amend section 2 of an Act entitled, "An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State," approved April 18, 1899, in force July 1, 1899..... | 361 |

| INSURANCE— <i>Concluded.</i> | PAGE. |
|--|-------|
| An Act to amend an Act entitled, "An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State," approved April 18, 1899, in force July 1, 1899, by adding a section to be known as section 11..... | 362 |
| An Act to amend section 14 of an Act entitled, "An Act to organize and regulate the business of life insurance," approved March 26, 1869, in force July 1, 1869..... | 363 |
| An Act to amend section 16 of an Act entitled, "An Act to organize and regulate the business of life insurance," approved March 26, 1869, in force July 1, 1869..... | 363 |
| An Act to regulate the investments of the funds and the real estate holdings of life insurance companies..... | 364 |
| An Act to prohibit misrepresentations by life insurance companies..... | 366 |
| An Act relating to the transaction of the business of life insurance in the State of Illinois, and regulating the conditions and provisions of policies of life insurance companies organized under the laws of this State or doing business herein..... | 367 |
| An Act relating to the salaries of officers and agents of life insurance companies..... | 371 |
| An Act to amend section 10 of an Act entitled, "An Act to organize and regulate the business of life insurance companies," approved March 26, 1869, in force July 1, 1869..... | 371 |
| LIBRARIES : | |
| An Act to amend an Act entitled, "An Act to provide for the formation and disbursement of a public library employes' pension fund in cities having exceeding 100,000 inhabitants," approved May 12, 1905, and in force July 1, 1905..... | 373 |
| An Act to provide for the promotion of historical research in the several counties of the State..... | 374 |
| An Act to amend an Act entitled, "An Act to provide for the better preservation of official documents and records of historical interest," approved June 9, 1897, in force July 1, 1897..... | 374 |
| LIENS : | |
| An Act to protect horseshoers and to subject the animals shod by them to a lien for the cost of shoeing the same..... | 375 |
| MEDICINE AND SURGERY : | |
| An Act to amend "An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named," approved April 24, 1899, in force July 1, 1899, by adding three new sections to said Act, to be known as section 2a, section 3a and section 3b..... | 378 |
| An Act to amend sections four (4), five (5), six (6), eight (8) and fourteen (14) of an Act entitled, "An Act to regulate the practice of pharmacy in the State of Illinois, to make an appropriation therefor, and to repeal certain Acts therein named," approved May 11, 1901, in force July 1, 1901, as amended by Act approved May 13, 1903, in force July 1, 1903..... | 379 |
| An Act relating to nurses and providing for their registration..... | 383 |
| MINES : | |
| An Act to amend sections six (6), seven (7), eight (8), nine (9), eighteen (18), nineteen (19) of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by Acts approved May 13, 14, 1903, in force July 1, 1903, as amended by Acts approved May 12, 13, 16, 1905, in force July 1, 1905..... | 387 |
| An Act to amend section one (1) of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, and in force July 1, 1899..... | 394 |
| An Act to amend section thirty-three (33) of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, be amended so as to read as follows..... | 396 |
| An Act to amend section 21 of an Act entitled, "An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899..... | 397 |
| An Act to amend section twenty (20) of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by Acts approved May 13 and 14, | |

| | |
|---|--------------|
| MINES—<i>Concluded.</i> | PAGE. |
| 1903, in force July 1, 1903, and further amended by Acts approved May 12, 13 and 16, 1905, in force July 1, 1905..... | 398 |
| An Act for the purpose of compelling oil or gas leases, when forfeited, to be released of record and providing a penalty therefor..... | 400 |
| An Act to amend sections one (1) and two (2), of an Act entitled, "An Act concerning the use of powder in coal mines," approved and in force May 14, 1903..... | 401 |
| An Act to amend an Act entitled, "An Act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905..... | 401 |
| NEGOTIABLE INSTRUMENTS : | |
| An Act in regard to negotiable instruments payable in money..... | 403 |
| PARKS : | |
| An Act to enable park commissioners to enlarge the park systems under their control by acquiring and improving additional lands, and to pay for the acquisition and improvement thereof..... | 427 |
| An Act to enable the corporate authorities of public park districts to issue bonds for the purpose of aiding the connection of park or parks under their control with other park or parks by means of boulevards, and to provide for the payment of such bonds..... | 428 |
| An Act to provide for making improvements and repairs upon highways adjoining public parks and pleasure grounds..... | 429 |
| An Act authorizing the commissioners of Lincoln Park to issue bonds, and providing for payment thereof..... | 430 |
| An Act to amend sections 1 and 2 of an Act entitled, "An Act to enable certain cities to provide and maintain public parks for the use of inhabitants thereof," approved April 24, 1899, in force July 1, 1899..... | 431 |
| An Act to authorize cities having a population of less than 50,000 to establish and maintain by taxation public parks..... | 432 |
| An Act concerning the annual reports of park commissioners..... | 433 |
| An Act providing for the salary of park secretaries..... | 433 |
| An Act authorizing park commissioners to acquire and improve submerged and shore lands for park purposes, providing for the payment therefor, and granting unto such commissioners certain rights and powers and to riparian owners certain rights and titles..... | 433 |
| An Act authorizing cities, towns and villages to permit the construction of surface and elevated ways..... | 436 |
| An Act authorizing cities, towns and villages to construct and maintain surface and elevated ways, and turn the same over to public park corporate authorities..... | 436 |
| An Act authorizing townships to acquire and maintain lands for park purposes..... | 437 |
| An Act authorizing townships to issue bonds for park purposes, and providing for the payment thereof..... | 438 |
| An Act to authorize the confinement in houses of correction of persons convicted of the violation of ordinances of public park commissioners..... | 440 |
| PAUPERS : | |
| An Act to amend section 5 of an Act entitled, "An Act to revise the law in relation to paupers," approved March 23, 1874, in force July 1, 1874..... | 441 |
| PENITENTIARIES : | |
| An Act to amend section 2 of an Act entitled, "An Act authorizing and empowering the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois in the manufacture of tile and culvert pipe for road drainage purposes, and in the manufacture of machinery, tools and appliances for the building, maintaining and repairing of the wagon roads of the State, and for preparing road building and ballasting material, upon the requisition of the State Highway Commission," approved May 18, 1905, in force July 1, 1905..... | 442 |
| PRACTICE : | |
| An Act in relation to practice and procedure in courts of record..... | 444 |
| PUBLIC ACCOUNTANTS : | |
| An Act to amend an Act entitled, "An Act to regulate the profession of public accountants," approved May 15, 1903, in force July 1, 1903..... | 472 |

RAILROADS AND WAREHOUSES :

PAGE.

| | |
|--|-----|
| An Act to ratify consolidations and mergers between two or more railroad companies organized under the laws of this State and to confirm in the company or companies formed by such consolidation or merger, as the case may be, during the term of their, or its corporate existence, and of any extension thereof, all the corporate rights, property, franchises, privileges and immunities, consolidated or merged or belonging or pertaining to the constituent companies, and to define the term of the corporate existence of such merged or consolidated companies and to authorize them to renew their corporate existence..... | 473 |
| An Act to amend section 3 of an Act entitled, "An Act to protect persons and property from danger at the crossings and junctions of railroads by providing a method to compel the protection of the same," approved June 2, 1891, in force July 1, 1891..... | 474 |
| An Act to amend sections one (1) and two (2) of an Act entitled, "An Act in relation to the crossing of one railway by another and to prevent danger to life and property from grade crossings," approved May 27, 1889, in force July 1, 1889..... | 475 |
| An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads in part or in whole in this State, and to provide penalties for the violation of the provisions thereof, and repealing all Acts and parts of Acts in conflict herewith..... | 476 |
| An Act in regard to warehouse receipts..... | 477 |
| An Act to amend section one (1) of "An Act providing for the issuing and cancellation of receipts for public warehouses or warehouses of class A or class B, in the State of Illinois, and providing penalties for violation thereof," approved May 11, 1901, in force July 1, 1901..... | 489 |
| An Act to amend section three (3) of "An Act to amend an Act entitled 'An Act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article thirteen (13) of the constitution of the State,' approved April 25, 1871, in force July 1, 1871, and to establish a committee of appeal, and prescribe their duties," approved April 15, 1873, in force July 1, 1873..... | 490 |
| An Act to amend sections 3, 4, 5, 6 and 14 of "An Act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen of the constitution of this State," approved April 25, 1871, in force July 1, 1871..... | 491 |

REVENUE :

| | |
|---|-----|
| An Act to amend section 116 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, and all subsequent amendments thereto..... | 494 |
| An Act to amend sections 34, 38, 41 and 50 of an Act entitled, "An Act for the assessment of property, and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898..... | 495 |
| An Act to amend section thirty (30) of, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, as amended by Act approved and in force May 11, 1901..... | 497 |
| An Act to provide for the necessary revenue for State purposes..... | 498 |
| An Act to amend section 29 of an Act entitled, "An Act for the assessment of property and providing the means therefor and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, as amended by Act of May 18, 1905..... | 499 |
| An Act to amend section 52 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898..... | 500 |

ROADS AND BRIDGES :

| | |
|---|-----|
| An Act making it the duty of counties under township organization and towns in counties under township organization to build, construct and maintain approaches to bridges located on or near town and county lines..... | 500 |
| An Act to enable cities and villages to build, acquire and maintain bridges and approaches thereto outside their corporate limits, and to control the same, and to issue bonds to pay for such bridges and approaches, and to pledge such bridge and approaches and the income therefrom for the payment of such bonds and the interest thereon..... | 501 |
| An Act to amend an Act entitled, "An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883, in force July 1, 1883, by inserting a new section to read as follows..... | 503 |
| An Act to amend sections forty-nine (49) and fifty-one (51) of an Act entitled, "An Act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges in counties not under township organization, and to repeal an Act and parts of Act[s] therein named," approved May 4, 1887, in force July 1, 1887, and all Acts amendatory thereto, and to provide for a penalty of the commissioners for failure to carry out the provisions of this Act..... | 504 |

ROADS AND BRIDGES—*Concluded.*

PAGE

| | |
|--|-----|
| An Act to amend section seventy-six of, "An Act to provide for the organization of road districts, the election and duties of officers therein and in regard to roads and bridges in counties not under township organization and to repeal an Act and parts of Act[s] therein named," approved May 4, 1887, and in force July 1, 1887, as amended by Act approved June 5, 1889, and in force July 1, 1889..... | 506 |
| An Act to amend, "An Act in regard to roads and bridges in counties under township organization," approved June 23, 1883, in force July 1, 1883, as amended by an Act approved June 30, 1885, as amended by an Act approved April 24, 1899, as amended by an Act approved May 11, 1901, as amended by an Act approved and in force May 13, 1903, as amended by an Act approved May 13, 1905, as amended by an Act approved May 16, 1905, by adding two new sections thereto, to be numbered 62a and 62b..... | 507 |
| An Act to amend section one hundred eighteen (118) of, "An Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883..... | 508 |
| An Act to amend sections 30 and 31 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883..... | 509 |
| An Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof, and repealing an Act entitled, "An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois," approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith..... | 510 |
| An Act authorizing the commissioners of highways in any township in counties under township organization, and the commissioners of highways or boards of county commissioners in counties not under township organization, to maintain earth roads with a drag and to contract for the use of the same and to provide penalty for injury to work so done..... | 517 |
| An Act to repeal section 3 and to amend section 4 of an Act entitled, "An Act to protect persons and property from danger from steam engines on public highways," approved June 26, 1885, in force July 1, 1885..... | 519 |

SCHOOLS:

| | |
|---|-----|
| An Act to amend section 202, article 8 of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889, as amended by an Act approved April 21, 1899, in force July 1, 1899..... | 519 |
| An Act to amend section 1, and 4 and 5 of an Act entitled, "An Act to promote attendance of children in schools and to prevent truancy," approved June 11, 1897, as amended by an Act approved May 13, 1903, in force July 1, 1903..... | 520 |
| An Act to amend section 21, article 2, of, "An Act to establish and maintain a system of free schools," as approved and in force May 21, 1889..... | 521 |
| An Act to amend section 12 of an Act entitled, "An Act to establish and maintain the Eastern Illinois State Normal School," approved May 22, 1895, in force July 1, 1895..... | 522 |
| An Act enabling trustees, boards of education, and other corporate authorities of universities, colleges, township high schools, and all other educational institutions established and supported by this State, or by a township, to exercise the right of eminent domain..... | 522 |
| An Act to provide free high school privileges for graduates of the eighth grade..... | 523 |
| An Act to amend section 3 of an Act entitled, "An Act to provide for scholarships for graduates of the eighth grade," approved May 12, 1905..... | 523 |
| An Act to amend section 12 of an Act entitled, "An Act to establish and to maintain the Northern Illinois State Normal School," approved May 22, 1895, in force July 1, 1895..... | 524 |
| An Act to enable school districts acting under special charters to hold elections for the election of school directors, members of boards of education and members of boards of school inspectors, at the time provided for the election of school directors under the general school law of the State..... | 525 |
| An Act to provide for the election of boards of school inspectors in certain cases, to define the powers and to regulate the revenue thereof, to vest the title to certain school property and to repeal certain Acts herein named..... | 525 |
| An Act to amend section 12 of an Act entitled, "An Act to establish and maintain the Southern Illinois Normal University," approved March 9, 1869, in force March 9, 1869..... | 527 |
| An Act to amend section six (6) of an Act entitled, "An Act for the establishment and maintenance of a Normal University," approved and in force February 18, 1857..... | 527 |
| An Act to provide for the contribution from interest on public school funds to the public school teachers' and public school employees', pension and retirement funds in cities having a population exceeding 100,000 inhabitants..... | 528 |

| SCHOOLS— <i>Concluded.</i> | PAGE. |
|---|-------|
| An Act to provide for the formation and disbursement of a public school teachers' pension and retirement fund in cities having a population exceeding 100,000 inhabitants..... | 529 |
| An Act to provide for the annexation for township high school purposes, of any school township, or part of such township, not having an established township high school, to any adjacent school township having an established township high school..... | 534 |
| STATE BOARD OF HEALTH : | |
| An Act to amend sections two and seven of an Act entitled, "An Act to create and establish a Board of Health in the State of Illinois," approved May 28, 1877, in force July 1, 1877..... | 537 |
| An Act to prevent the introduction and spread in Illinois of the San José scale and other dangerous insects and contagious diseases of fruits, and repealing a certain Act therein named..... | 538 |
| STATE FOOD COMMISSIONER : | |
| An Act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties and to repeal all Acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith.. | 543 |
| STATE MILITIA : | |
| An Act to amend each and every section of article II, and section one (1) and section two (2) of article IV of an Act entitled, "An Act to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903, in force July 1, 1903, and to add to article XII thereof an additional section to be numbered and known as section eleven (11)..... | 559 |
| An Act to amend section 2, article XI, of an Act entitled, "An Act to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903, in force July 1, 1903..... | 569 |
| STATUTES : | |
| An Act to create and establish a commission for the promotion of uniformity of legislation in the United States, for the appointment of members of said commission and to prescribe their duties..... | 570 |
| TOWNSHIP ORGANIZATION : | |
| An Act to amend sections four and five of an Act entitled, "An Act to authorize county boards in counties under township organization to organize certain territory situated therein as a town," approved May 23, 1877, in force July 1, 1877, and as amended by Act approved June 18, 1883, in force July 1, 1883.. | 571 |
| An Act to enable towns, the boundaries of which are co-extensive with cities, to build or purchase a town hall, and a site for the same, to levy a tax and to issue bonds therefor..... | 572 |
| JOINT RESOLUTIONS : | |
| Adjournment, January 10 to January 15..... | 575 |
| January 24 to January 29 | 575 |
| January 31 to February 5..... | 575 |
| February 21 to February 26 | 575 |
| March 28 to April 3 | 576 |
| April 12 to April 17 | 576 |
| May 11 to May 15 | 576 |
| May 16 to October 8 | 576 |
| Blue Book | 577 |
| Bridge across Hamburg Bay in Calhoun county | 577 |
| Canvass of election returns..... | 578 |
| Chicago and North Western railway company..... | 578 |
| Death of Daniel Buettner..... | 578 |
| Deep water way—joint committee meeting..... | 579 |
| Election of United States senator..... | 579 |
| Election of United States senators by direct vote of the people..... | 580 |
| Elgin and Belvidere electric company..... | 580 |
| Elgin, city of—permission to construct outlet sewers..... | 580 |
| Employment of women and children | 581 |
| General Assembly—new furniture for Senate and House..... | 581 |
| Historical library—loan of articles..... | 582 |

| | |
|---|-------|
| JOINT RESOLUTIONS— <i>Concluded.</i> | PAGE. |
| Improvement of streets adjoining West Park system, Chicago..... | 582 |
| Jacksonville Water Works company—easement..... | 583 |
| Logan war trophies, souvenirs and mementoes..... | 584 |
| Major Joseph W. Wham..... | 585 |
| Northern insane hospital—sale of sand and gravel..... | 585 |
| Occupational diseases..... | 586 |
| Rivers and harbors bill in Congress..... | 586 |
| Soldiers Orphans' Home—conveyance of land..... | 587 |
| Suits on bonds of State treasurers and State auditors..... | 588 |
| Urbana and Champaign railway, gas and electric company..... | 589 |
| Water supply for cities and villages..... | 590 |
| CERTIFICATE OF SECRETARY OF STATE | 591 |
| INDEX TO LAWS AND RESOLUTIONS | 593 |

LAWS OF ILLINOIS.

ADMINISTRATION OF ESTATES.

ACCUMULATION OF TRUSTS—PERIOD LIMITED.

§ 1. Period of accumulation of trusts limited.

(HOUSE BILL NO. 251. APPROVED MAY 24, 1907.)

AN ACT to restrain all trusts and directions in deeds or wills whereby the profits or produce of real or personal estate shall be accumulated, and the beneficial enjoyment thereof postponed beyond the time therein limited.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person or persons shall, after this Act goes into effect, by any deed or deeds, will, codicil or otherwise howsoever executed after this Act goes into effect, settle or dispose of any real or personal property, so and in such manner, either expressly or by implication, that the rents, issues, profits or produce thereof shall be wholly or partially accumulated; for any longer term than the life or lives of any such grantor or grantors, settlor or settlers, or for any longer than the term of twenty-one years from the death of any such grantor, settlor, deviser or testator; or for any longer than during the minority or respective minorities of any person or persons who shall be living, or in *ventre sa mere* at the time of the death of such grantor, deviser or testator, or for any longer than during the minority or respective minorities only of any person or persons who, under the uses or trusts of the deed, will or other assurances directing such accumulations, would, for the time being, if of full age, be entitled unto the rents, issues and profits, or the interest, dividends or annual produce so directed to be accumulated; and in every case where any accumulation shall be directed otherwise than as aforesaid, such direction shall be null and void, and the rents, issues, profits and produce of such property so directed to be accumulated shall, so long as the same shall be directed to be accumulated contrary to the provisions of this Act, go to and be received by such person or persons as would have been entitled thereto if such accumulation had not been directed: *Provided*, that nothing in this Act contained shall extend to any provision for payment of debts of

any grantor, settlor or devisor, or other person or persons, or to any provision for raising portions for any child or children of any person taking any interest under such conveyance, settlement or devise, or to any direction touching the produce of timber or wood upon any lands or tenements; but that all such provisions and directions shall and may be made and given as if this Act had not passed.

APPROVED May 24, 1907.

SALE OF REAL ESTATE—SUMMONS.

§ 1. Amends section 102, act of 1872.

§ 102. Summons returnable to court out of which same issued.

(HOUSE BILL NO. 112. APPROVED JUNE 4, 1907.)

AN ACT to amend section 102 of an Act entitled, "*An Act in regard to the administration of estates*," approved April 1, 1872, in force July 1, 1872, as amended by an Act approved June 15, 1887, in force July 1, 1887.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 102 of an Act entitled, "*An Act in regard to the administration of estates*," approved April 1, 1872, in force July 1, 1872, as amended by an Act approved June 15, 1887, in force July 1, 1887, be and the same is hereby amended to read as follows:

§ 102. Upon the filing of the petition of the clerk of the court, where the same may be filed, shall issue summons directed to the sheriff of the county in which the defendant resides, if the defendant is of this State, requiring him to appear and answer the petition on the return day of the summons; and where there are several defendants, residing in different counties, a separate summons shall be issued to each county, including all the defendants residing therein. Every summons shall be made returnable to the first term of the county court out of which such summons issued, after the date thereof, unless the petition is filed within ten days immediately preceding any term, in which case the summons shall be returnable to the next term thereafter.

APPROVED June 4, 1907.

ADOPTION OF CHILDREN.

REVISION OF LAW.

§ 1. Amends sections 1, 2 and 3, act of 1874.

§ 1. Who may adopt—petition.

§ 2. Form of petition—summons—proviso—publication of notice to certain defendants.

§ 3. What must be found by court—decree.

(HOUSE BILL NO. 485. APPROVED MAY 25, 1907.)

AN ACT to amend sections 1, 2 and 3 of an Act entitled, "*An Act to revise the law in relation to the adoption of children*," approved February 27, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1, 2 and 3 of an Act entitled, "*An Act to revise the law in relation to the adoption of children*," approved February 27, 1874, in force July 1, 1874, be amended so as to read as follows:

§ 1. That any reputable person may petition the circuit or county court of the county in which he resides, or where the child may be found, for leave to adopt a child not his own, and, if desired, for a change of the child's name; but the prayer of such petition, by a person having a husband or wife, shall not be granted unless such husband or wife joins therein, and when they so join, the adoption shall be by them jointly.

§ 2. The petition shall state one or more causes for adoption, the name, if known, the sex and the approximate age of the child sought to be adopted, and if it is desired to change the name, the new name, and either the name, or that the name is unknown to petitioner (a) of the person having the custody of such child; and (b) of each of the parents or of the surviving parent of a legitimate child or of the mother of an illegitimate child; or (c) if it allege that both such parents are or that such mother is dead, then of the guardian, if any, of such child; or (d) if it allege that both such parents are, or that such mother is dead, and that no guardian of such child is known to petitioner, then, of a near relative, or that none such is known to petitioner; the petition shall also state the residences of such parties, so far as the same are known to such petitioner. All persons so named in such petition shall be made defendants by name and shall be notified of such proceedings by summons, if residents of this State, in the same manner as is now or may hereafter be required in chancery proceedings by the laws of this State, except only that the summons shall be made returnable at any time within twenty days after the date thereof. All persons, if any, who or whose names are stated in the petition to be unknown to petitioner shall be deemed and taken as defendants by the name or designation of "all whom it may concern." *Provided, however,* that in all cases where the persons or any of them hereinabove required to be made defendants shall have been

deprived of the custody of the child sought to be adopted by a court of competent jurisdiction, and such court in the order appointing a guardian of the person of such child, shall have authorized such guardian to consent to the adoption of the child without [notice] to or assent by such person or persons, such person or persons need not be made defendants, and no person other than such guardian need be made a defendant to such proceedings, and the consent by such guardian shall be sufficient to authorize the court before which the adoption proceedings are pending to enter a decree of adoption, as hereinafter provided. The petition shall be verified by the affidavit of the petitioner.

Whenever it shall appear from the petition or from an affidavit filed in the cause that any named defendant resides or has gone out of the State, or on due inquiry cannot be found, or is concealed within this State, so that process cannot be served upon him, or that his place of residence is unknown, or whenever any person is made defendant under the name or designation of "all whom it may concern" the clerk shall cause publication to be made at once, in some newspaper of general circulation published in his county, and if there be none published in his county, then in a newspaper published in the nearest place to his county, in this State, entitled "adoption notice," which shall be substantially as follows: A, B, C, D, etc. (here giving the names of such named defendants, if any), and to all whom it may concern (if there be any defendant under such designation):

Take notice that on the.....day of.....A. D. 19..., a petition was filed by.....in the.....court of.....county, for the adoption of a child named..... Now, unless you appear within twenty days after the date of this notice and show cause against [such] application, the petition shall be taken as confessed and a decree of adoption entered.
E. E. Clerk.

Dated (the date of publication).

And he shall also, within ten days after the publication of such notice, send a copy thereof by mail, addressed to such defendants whose place of residence is stated in the petition and who shall not have been served with summons. Notice given by publication, as is required in this Act, shall be the only publication notice required, either in the case of residents, non-residents or otherwise. The certificate of the clerk that he has sent such notice in pursuance of this section shall be evidence thereof.

Every defendant who shall be duly summoned shall be held to answer on the return day of the summons, or if such summons shall be served less than three days prior to the return day, then on the following day. Every defendant who shall be notified by publication, as herein provided, shall be held to answer within twenty days after the date of the publication notice. The answer shall have no greater weight as evidence than the petition. In default of answer, at the time or times herein specified, or at such further time as by order of court may be granted to a defendant, the petition may be taken as confessed.

§ 3. On default of answer of all the defendants, the court shall proceed to hear evidence, and if the court shall find that (1) the parents or surviving parent of a legitimate child or the mother of an illegitimate child; or if the child has no parent living, the guardian, if any, of the child; or if there is no parent living and the child has no guardian, or the guardian is not known to petitioner, then a near relative of the child, if any there be, consents to the adoption; or, (2) that one parent consents and the other is unfit, for any of the reasons hereinafter specified, to have the child; or that both parents are, or that the surviving parents or the mother of an illegitimate child is so unfit for any of such reasons—the grounds of unfitness being (a) depravity; (b) open and notorious adultery or fornication; (c) habitual drunkenness for the space of one year prior to the filing of the petition; (d) extreme and repeated cruelty to the child; (e) abandonment of the child; or (f) desertion of the child for more than six (6) months next preceding the filing of the petition; or (3) that the person or persons whose consent is required has been deprived of the custody of such child by a court of competent jurisdiction, and such court in the order appointing a guardian over the person of the child has authorized such guardian to consent to the adoption of such child without notice to or assent by the parents, and that such guardian consents to such adoption; and if the court further finds that the facts stated in the petition are true, and that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, and that it is fit and proper and for the best interest of the child that such adoption should be made, a decree shall be made, setting forth the facts and ordering that from the date of the decree the child shall, to all legal intents and purposes, be the child of the petitioner or petitioners, and may decree that the name of the child be changed according to the prayer of the petition.

APPROVED May 25, 1907.

AGRICULTURE AND HORTICULTURE.

STATE BOARD OF AGRICULTURE.

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| 1. Amends sections 3, 6 and 8, act of 1883. | § 6. Powers of board—total attendance and paid admissions computed by automatic devices. |
| § 3. Treasurer — accounts — reports. | § 8. Annual reports to Governor. |

(HOUSE BILL NO. 771. APPROVED JUNE 3, 1907.)

AN ACT to amend sections three (3), six (6) and eight (8) of an Act entitled, "An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, as amended by an Act approved April 24, 1899, in force July 1, 1899.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three (3), six (6)

and eight (8) of an Act entitled, "An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, as amended by an Act approved April 24, 1899, in force July 1, 1899, be and the same are hereby amended to read as follows:

§ 3. They shall also appoint some person not a member of the board as treasurer and fix his compensation and prescribe his duties, who shall give bond in such sum and with such security as the board shall direct, conditioned for the faithful discharge of the duties of his office. He shall hold his office during the term for which the members of the board appointing him are elected, unless for good cause he shall be sooner removed by the board. He shall receive all moneys paid to the board and from whatever source, and shall disburse money only on the order of the president, countersigned by the secretary. He shall keep an accurate itemized account of all moneys received by him and also paid out and make an annual report to the State board, on or before the last Thursday of December of each year, and make full settlement with the board, which report shall be embodied in full in the report of the board to the Governor. The books of such treasurer shall be open at all times for examination by the Auditor of Public Accounts or any agent thereof.

§ 6. The State Board of Agriculture shall have the sole control of the affairs of the department of agriculture, of all State fairs and fat stock shows, and may make such by-laws, rules and regulations in relation to the department of agriculture and the management of the business of such department, State fairs, fat stock shows and offering of premiums as a majority of said board shall from time to time determine, not inconsistent with the constitution or laws of this State or of the United States: *Provided*, that the board shall so regulate admissions to State fairs and fat stock shows that the total attendance and paid admissions may be accurately computed by automatic devices.

§ 8. The State Board of Agriculture shall, after their annual meeting in January of each year, make and deliver to the Governor an itemized and complete report of their acts and doings as required by law, and no other annual report shall be made by said board, which report shall contain the full report of the treasurer and a detailed statement of attendance, receipts, premiums, expenses and such other information in regard to any State fair or fat stock show held during the year as they may deem desirable. Such report shall be published for distribution to the public.

APPROVED June 3, 1907.

ANIMALS AND BIRDS.

ANIMALS INTENDED FOR HUMAN FOOD.

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| § 1. Examination by State Veterinarian. | § 3. Penalty. |
| § 2. Disposition of carcass. | |

(HOUSE BILL NO. 341. FILED MAY 27, 1907.)

AN ACT to provide for the inspection of any animal intended for human food, appearing to be diseased, and for the disposition of the carcass.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of preventing the use of meat or meat food products for human food which are unsound, unhealthful, unwholesome or otherwise unfit for human food, the board of live stock commissioners may, at their discretion, make or cause to be made, by the State veterinarian or his assistants, or any duly authorized live stock inspector in the employ of the State of Illinois, an examination of any animal intended for human food which he or they believe is afflicted with any contagious or infectious disease, or any disease or ailment which would render the carcass of said animal unfit for human food.

§ 2. In event any animal shall be inspected by any person herein authorized to make said inspection, and in his judgment found to be afflicted with any disease or ailment which would render said animal unfit for human food, it shall be the duty of the person making said examination to forthwith take possession or control of said animal, and notify the owner or person or corporation in control or possession of such animal that such animal is unfit for human food; whereupon said animal shall immediately be killed and the carcass examined by some person or persons authorized to make inspection of such animals. If, upon examination of the carcass, it shall appear to the examiner that the same is suitable for human food, he shall allow the person or corporation from whom said animal was taken to make disposition of the carcass, or such examiner shall cause the same to be sold; but if, in the opinion of such inspector, any such carcass is unwholesome or unfit for human food, then the same shall be, by him stamped, marked, tagged or labeled "inspected and condemned," and every such condemned carcass shall be destroyed for the purposes of human food and such examiner shall cause the offal thereof to be sold: *Provided*, that if such carcass shall be disposed of for food purposes by such inspector and the offal sold, the proceeds thereof shall be accounted for as the board of live stock commissioners may provide.

§ 3. Any person, firm or corporation who shall, in any manner, fail, neglect or refuse to comply with any provision in this Act contained, shall be deemed guilty of a misdemeanor, and upon conviction

thereof be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or confined in the county jail not exceeding one year, or both.

FILED May 27, 1907.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.

Witness my hand this 27th day of May A. D. 1907.

JAMES A. ROSE,
Secretary of State.

BOUNTY FOR KILLING CROWS.

§ 1. Amount of bounty.

§ 3. Payment of bounty.

§ 2. Proof of killing—certificate.

(HOUSE BILL NO. 115. FILED JUNE 5, 1907.)

AN ACT to provide for the payment of bounties for killing crows.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person who shall kill any crow or take any eggs from the nest of any crow, in any county not under township organization, or in counties under township organization, in any township, village or city in the State of Illinois, shall be entitled to receive a bounty of 10 cents for each crow killed and 5 cents for each egg taken, to be allowed and paid in the manner hereinafter provided.

§ 2. Every person applying for such bounty shall take such crow, or the heads of such crows, or eggs, in lots of not less than ten, to the county clerk in counties not under township organization, or in counties under township organization, to the clerk of the township, village or city within which such crows shall have been killed or eggs taken, and make proof of the killing of said crows or the taking of said eggs to said clerk, by the affidavit of the person killing or taking the same, under oath or affirmation administered by said clerk and signed by the affiant, and stating in said affidavit that said crows were killed or eggs taken within the limits of the county, in counties not under township organization, or in counties under township organization, within the limits of the township, village or city in which said bounty is applied for. Whereupon the said clerk, if satisfied of the correctness of such claim, shall issue a certificate to the person claiming such bounty, stating the amount of bounty to which such applicant is entitled, and deliver the same to said applicant, and said clerk shall destroy the heads of such crows or the eggs so delivered.

§ 3. Such certificate may be presented by the claimants or their agent to the county clerk of the county in which such crows were killed or eggs taken, who shall thereupon draw a warrant for the amount of the said bounty on the treasurer of said county, and said treasurer shall, upon presentation of said warrant, pay the same from the general or contingent fund of said county.

FILED June 5, 1907.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.

Witness my hand this 5th day of June A. D. 1907.

JAMES A. ROSE,
Secretary of State.

BOUNTY FOR KILLING GROUND HOGS.

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| § 1. Amount of bounty. | § 3. Payment of bounty. |
| § 2. Proof of killing—certificate. | |
- (HOUSE BILL No. 784. APPROVED JUNE 4, 1907.)

AN ACT to provide for the payment of bounties for killing ground hogs.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person who shall kill any ground hog in any county in the State of Illinois shall be entitled to receive a bounty of twenty-five cents for each ground hog killed, to be allowed and paid in the manner hereinafter provided.

§ 2. Every person applying for such bounty shall take such ground hog or the head or scalp of such ground hogs in lots of not less than four to the county clerk in counties not under township organization, or in counties under township organization to the township clerk of the township within which such ground hogs shall have been killed and make proof of the killing of said ground hogs to said clerk by the affidavit of the person killing the same under oath or affirmation administered by said clerk and signed by the affiant and stating in said affidavit that said ground hogs were killed within the limits of the county in counties not under township organization or in counties under township organization within the limits of the township in which said bounty is applied for. Whereupon the said clerk if satisfied of the correctness of such claim shall issue a certificate to the person claiming such bounty, stating the amount of bounty to which such applicant is entitled, and deliver the same to said applicant, and said clerk shall destroy the heads or scalp of such ground hogs.

§ 3. Such certificate may be presented by the claimant or their agent to the county clerk of the county in which such ground hogs were killed, who shall thereupon draw a warrant for the amount of said bounty on the treasurer of said county and said treasurer shall upon presentation of said warrant pay the same from the general or contingent fund of said county.

APPROVED June 4, 1907.

FUR-BEARING ANIMALS.

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| § 1. When unlawful to kill or trap. | § 2. Penalty. |
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- (HOUSE BILL No. 459. APPROVED JUNE 4, 1907.)

AN ACT to regulate and fix the time of killing fur-bearing animals.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful to trap or kill for profit or gain any fur-bearing animal from the first of May to the first of November of each and every year.

§ 2. Any person who shall violate the provision of this Act shall be subject to prosecution before any court of competent jurisdiction upon complaint, information or indictment, and shall upon conviction be fined for each offense not less than three dollars (\$3.00) and not more than twenty-five dollars (\$25.00) for each and every offense.

APPROVED June 4, 1907.

APPROPRIATIONS.

AGRICULTURE—COUNTY FAIRS AND SOCIETIES.

§ 1. Amends section seven, act of 1883. | § 2. How drawn.

§ 7. Appropriations paid to State Board—county fairs and societies to receive 40 per cent of annual premiums paid—appropriates \$60,000 per annum.

(SENATE BILL NO. 365. APPROVED APRIL 26, 1907.)

AN ACT to amend section seven of an Act entitled "*An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same,*" approved June 23, 1883, in force July 1, 1883, and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seven of an Act entitled "*An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs and to provide for reports of the same,*" approved June 23, 1883, and in force July 1, 1883, be and the same is hereby amended so as to read as follows:

§ 7. Whatever money shall be appropriated to the department of agriculture shall be paid to the State Board of Agriculture and may be expended by them as in the opinion of said board will best advance the interests of agriculture, horticulture, manufactures and domestic arts in this State.

All appropriations which shall be made for the benefit of county fairs or other agricultural societies shall be divided between such county fairs or agricultural societies as shall have given satisfactory evidence to said State board of having held an annual fair and made their annual report on or before the fifteenth day of November of each year to the State Board of Agriculture.

Said appropriations shall be divided between such county fairs or agricultural societies which shall have complied with the conditions herein prescribed, as follows: To each of said county fairs or agricultural societies forty per cent of the total amount of premiums paid at its annual fair for the current year for exhibits of horticulture, agriculture, poultry, live stock, and domestic and mechanical arts. On or before the fifteenth of November of each year the president and secretary of each county fair or agricultural society claiming the benefit of any such appropriation shall file with the secretary of the State Board of Agriculture a sworn statement of the actual amount of cash premiums and purses paid at the fair of the current season, which must correspond with the published offer of premiums and purses and a further sworn statement that at such fair all gambling and gambling devices of whatsoever kind, and the sale of intoxicating liquors have been prohibited and excluded from grounds of such county fair or agricultural society and all adjacent grounds under their authority of control. Such statement shall be accompanied by an itemized list of all premiums and

purses paid upon such forty per cent payment as claimed and a copy of the published premium list and speed list of such fair and a full statement of receipts and expenditures for the current year duly verified by the secretary of such fair or agricultural society. Such money shall be paid to the treasurer of the county fair or agricultural society upon his receipt countersigned by the secretary: *Provided*, that the amounts to be paid to any such county fair or agricultural society during any one year shall not exceed the sum of seventeen hundred dollars (\$1,700.00) each. The sum of sixty thousand dollars per annum or so much thereof as may be annually necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of carrying out the provisions of this Act in accordance with the terms thereof.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the moneys herein above appropriated in favor of the several county fairs or agricultural societies of this State who shall have complied with the provisions of this Act, and the certificate of the State Board of Agriculture signed by its president and attested by its secretary shall be required by the Auditor of Public Accounts as proof of such compliance.

APPROVED April 26, 1907.

AGRICULTURE—EXPERIMENT STATION.

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| § 1. Appropriates \$50,000 per annum. | § 6. Appropriates \$15,000 per annum. |
| § 2. Appropriates \$25,000 per annum. | § 6½. Appr priates \$7,500 per annum. |
| § 3. Appropriates \$15,000 per annum. | § 7. Committees—meetings—reports. |
| § 4. Appropriates \$25,000 per annum. | § 8. How drawn. |
| § 5. Appropriates \$15,000 per annum. | |

(SENATE BILL NO. 214. APPROVED JUNE 4, 1907.)

AN ACT to extend the equipment and increase the instruction in the College of Agriculture of the University of Illinois and to provide for the extension of the Agricultural Experiment Station, and to make appropriations therefor.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the College of Agriculture to give thorough and reliable instruction in the economic production of crops; the treatment of the different soils of the State in such manner as to secure the largest returns from each and without impairing its fertility; the principles of breeding and management of live stock, including animal diseases and a thorough knowledge of the various breeds and market classes; the economic and sanitary production of dairy goods, and the best methods of meeting existing market demands and of extending and developing trade in the agricultural productions of the State. That it shall be the further duty of said college to provide and maintain such live stock specimens, laboratories, apparatus and other material equipment, together with

teachers of such experience and skill as shall make such instruction effective. That to carry out the provisions of this section there be, and hereby is, appropriated the sum of fifty thousand dollars (\$50,000.00) annually for the years 1907 and 1908: *Provided*, that the disposition of the funds from time to time to carry out the intent of this Act shall be along lines agreed upon by the dean of the College of Agriculture and an advisory committee consisting of the presidents of the following State agricultural organizations, to-wit: The Illinois Farmers' Institute, the Illinois Live Stock Breeders' Association, the Illinois State Florists' Association, the Illinois State Horticultural Society, the Illinois Corn Growers' Association and the Illinois Dairymen's Association.

§ 2. That it shall be the duty of the Agricultural Experiment Station to conduct investigations calculated to develop the beef, pork, mutton, wool and horse producing interests of the State, and especially to devise and conduct feeding experiments intended to determine the most successful combination of stock foods, particularly in Illinois grains and forage crops, and to discover the most economical and successful methods of maintaining animals and fitting them for the market; to investigate live stock conditions, both at home and abroad, in so far as they affect market values, and to publish the results of such experiments and investigations. That to carry out the provisions of this section there be, and hereby is, appropriated the sum of twenty-five thousand dollars (\$25,000.00) annually for the years 1907 and 1908: *Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed by the Illinois Live Stock Breeders' Association.

§ 3. That it shall be the duty of the Agricultural Experiment Station to conduct experiments in the several sections of the State, in order to discover the best methods of producing corn, wheat, oats and clover on the different soils and under the various climatic conditions of the State, and for the purpose of improving the varieties grown for special purposes; and that, to carry out the provisions of this section, there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000.00) annually for the years 1907 and 1908: *Provided*, that the work outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed as follows: Two by the Illinois Corn Growers' Association, two by the Illinois Seed Corn Breeders' Association and one by the Illinois Grain Dealers' Association.

§ 4. That it shall be the duty of the Agricultural Experiment Station to make chemical and physical examination of the various soils of the State, in order to identify the several types and determine their character; to make and publish an accurate survey with colored maps, in order to establish the location, extent and boundaries of each; to ascertain by direct experiment in laboratory and field what crops and treatment are best suited to each; whether the present methods are tending to best results and whether to the preservation or reduc-

tion of fertility, and what rotations and treatments will be most effective in increasing and retaining the productive capacity of Illinois lands; and that, to carry out the provisions of this section, there be, and hereby is, appropriated the sum of twenty-five thousand dollars (\$25,000.00) annually for the years 1907 and 1908: *Provided*, that the work outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed by the Illinois Farmers' Institute.

§ 5. That it shall be the duty of the Agricultural Experiment Station to discover and demonstrate the best methods of orchard treatment in the fruit sections of the State, the culture of small fruits and vegetables, and the most effective remedies for insect and fungous enemies to fruits and vegetables; and that, to carry out the provisions of this section there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000.00) annually for the years 1907 and 1908: *Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five, to be appointed by the Illinois State Horticultural Society.

§ 6. That it shall be the duty of the Agricultural Experiment Station to investigate the dairy conditions of the State; to discover and demonstrate improved methods of producing and marketing wholesale milk and other dairy products, and to promote the dairy interests of the State by such field assistance in the dairy sections upon farms and in the creameries and factories as shall tend to better methods and more uniform products; and that to carry out the provisions of this section, there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000) annually for the years 1907 and 1908: *Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five to be appointed by the Illinois State Dairymen's Association.

§ 6½. That it shall be the duty of the Agricultural Experiment Station to discover and demonstrate the best methods of producing plants, cut flowers and vegetables under glass, and the most effective remedies for disease and insect enemies of the same, to investigate and demonstrate the best varieties and methods of producing ornamental trees, shrubs and plants suitable for public and private grounds in the various soils and climatic conditions of the State, and to disseminate information concerning the same; and that to carry out the provisions of this section, there be and hereby is, appropriated the sum of seven thousand and five hundred dollars (\$7,500) annually for the years 1907 and 1908: *Provided*, that the work undertaken and outlined in this section shall be carried out in [on] lines to be agreed upon by the directors of the Agricultural Experiment Station and an advisory committee of five to be appointed by the Illinois State Florists' Association.

§ 7. That the committees representing the several associations herein named shall meet at such times and places as may be designated

by the dean of said college or the director of the Agricultural Experiment Station, or upon the request of a majority of the committee; that they shall serve without compensation except for expenses, to be paid out of the respective funds, and that said committee shall make to their respective associations at their annual meetings, full reports of the work in progress under the provisions of this act.

§ 8. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums herein appropriated, upon the order of the chairman of the board of trustees of the University of Illinois, countersigned by its secretary, and with the corporate seal of said university, and no installment subsequent to the first shall be paid by the Treasurer, nor warrant drawn therefor, until detailed accounts, showing expenditures of the preceding installment have been filed with the Auditor of Public Accounts: *Provided*, that no part of the funds herein appropriated, except in section 1, shall be used for salaries of teachers: *And, provided, further*, that any revenue arising from the operations of the several sections of this act shall revert to the respective funds from which obtained for further extension of the work outlined. Nothing herein contained shall be deemed to take away from the board of trustees of the University of Illinois the usual authority conferred by law over the expenditure of moneys appropriated to said university. The recommendations of the committee herein provided for shall be advisory, but the use of the moneys herein appropriated shall rest in the discretion of said board for the purpose herein set forth, and said board shall account therefor.

APPROVED June 4, 1907.

AGRICULTURE—FARMERS' INSTITUTES.

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| § 1. Appropriates \$3,500 per annum for salaries and expenses. | § 5. Officers of county institutes to serve without pay. |
| § 2. For expenses of directors, meetings, etc., \$5,000 per annum. | § 6. How drawn. |
| § 3. For county farmers' institutes \$75 each per annum. | § 7. Annual report to Governor. |
| § 4. Reappropriates \$852.46 for books. | § 8. How drawn. |

(HOUSE BILL NO. 859. APPROVED JUNE 4, 1907.)

AN ACT making an appropriation for the Illinois Farmers' Institute and County Farmers' Institute.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated to the Illinois Farmers' Institute the following sums, to-wit: For clerk hire, expressage, postage, office expenses, furniture, etc., the sum of two thousand five hundred dollars (\$2,500) per annum; for typewriter and stenographer one thousand dollars (\$1,000) per annum, for the fiscal years beginning July 1, 1907 and 1908. The Secretary of State shall provide all needful books, papers, stationery and printing required, on requisition by the Secretary of the Illinois Farmers' Institute.

§ 2. For the actual expenses of the members of the board of directors and officers of the Illinois Farmers' Institute in the performance of their duties as said members and officers, for the expenses of the State Institute meeting and for the incidental expenses in promoting the development of the farmers' institute work throughout the State, the sum of five thousand dollars (\$5,000) per annum for the fiscal years beginning July 1, 1907 and 1908.

§ 3. For the use of each county farmers' institute for the purpose of holding one or more county farmers' institute meetings in each county in the State, the sum of seventy-five dollars (\$75) per annum for the fiscal years beginning July 1, 1907 and 1908, said sum to be paid to the treasurer of each county farmers' institute, when such institute shall file with the secretary of the Illinois Farmers' Institute a sworn statement which shall show that said county farmers' institute has held one or more duly advertised public sessions annually, in accordance with such rules as may be prescribed by the board of directors of the Illinois Farmers' Institute, at some easily accessible location, which shall include an itemized statement of the expense of said meeting, with receipted vouchers therefor, a copy of its printed program and a report of the proceedings showing the title and author of the papers read and by whom discussed, place or places of meeting with average daily attendance, and such other information as may be called for by the Illinois Farmers' Institute and necessary to successfully assist this work.

§ 4. For the purchase of books for, and the maintenance and management of the Illinois Farmer's Institute Circulating Libraries, the unexpended balance of the former appropriation, eight hundred fifty-two dollars and forty-six cents (\$852.46) is hereby reappropriated for the fiscal years beginning July 1, 1907 and 1908.

§ 5. No officer nor officers of any county farmers' institute shall be entitled to receive any moneyed compensation whatever for any service rendered the same.

§ 6. That on the order of the President, approved by the director of the congressional district, the secretary of the State Farmers' Institute shall draw his warrant on the treasurer of the State Farmers' Institute in favor of the treasurer of the county farmers' institute for the sum herein appropriated: *Provided*, that each warrant on account of a county farmers' institute shall show the county institute for whose benefit the same is drawn: *Provided, further*, that the program and reports of proceedings of the county farmers' institute, for which warrant is drawn, shall show that some of the following topics have been presented and discussed, viz: Grain farming, stock feeding and breeding, dairy husbandry, orchard and small fruit culture, farmers' garden, domestic science and any subjects pertaining to farm life: *Provided, further*, that if the necessary expenses of a county farmers' institute shall not equal the sum of seventy-five dollars (\$75) as aforesaid, then said warrant shall only be drawn for the sum expended.

§ 7. It shall be the duty of the treasurer of the Illinois Farmers' Institute to pay over to the treasurer of each county farmers' institute the

sum of seventy-five dollars (\$75) or so much thereof as may be received for its use and benefit, as aforesaid, and make annual report to the Governor, as provided by law.

§ 8. The State Auditor is hereby authorized to draw his warrant for the sums herein specified and deliver the same to the treasurer of the Illinois Farmers' Institute upon his presenting voucher for same, signed by the president and secretary of said Illinois Farmers' Institute, and the State Treasurer shall pay the same out of any money in the State Treasury not otherwise appropriated.

APPROVED June 4, 1907.

AGRICULTURE—STATE AND COUNTY FAIRS.

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|---|---|
| <p>§ 1. Appropriates \$5,000 per annum for exhibit at State Fair, \$200 per annum for each county fair—\$13,020 per annum for salaries, traveling and office expenses, etc.</p> | <p>§ 2. How drawn.</p> <p>§ 3. Biennial report to Governor.</p> |
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(HOUSE BILL NO. 390. APPROVED JUNE 4, 1907.)

AN ACT making an appropriation for the State Board of Agriculture and county and other agricultural fairs.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated to the State Board of Agriculture the following sums to-wit: For the encouragement of an exhibit at the State Fair, the sum of five thousand dollars (\$5,000) per annum for the years 1907 and 1908, and for the use of each county or other agricultural society, the sum of two hundred dollars (\$200) to be paid to the treasurer of the society, for fairs held in 1906.

For the salary of the secretary, the sum of three thousand dollars (\$3,000) per annum for the years 1907 and 1908.

For traveling expenses of the members and officers of the board, the sum of three thousand dollars (\$3,000) per annum for the years 1907 and 1908.

For clerk hire the sum of thirty-six hundred dollars (\$3,600) per annum for the years 1907 and 1908.

For receiving and shipping clerk the sum of one thousand dollars (\$1,000) per annum for the years 1907 and 1908.

For janitor, the sum of four hundred and twenty dollars (\$420) per annum for the years 1907 and 1908.

For the expenses of collecting, compiling and publishing live stock and agricultural statistics, the sum of six hundred dollars (\$600) per annum for the years 1907 and 1908.

For the agricultural library the sum of two hundred dollars (\$200) per annum for the years 1907 and 1908.

For office expenses, furniture, repairs, postage, expressage, etc., the sum of twelve hundred dollars (\$1,200) per annum for the years 1907 and 1908.

§ 2. That on the order of the president, countersigned by the secretary of the State Board of Agriculture, and approved by the Governor,

the Auditor of Public Accounts shall draw his warrant upon the Treasurer in favor of the treasurer of the Illinois State Board of Agriculture for the sums herein appropriated: *Provided*, that each warrant on account of county or other agricultural fairs, shall show the agricultural society for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural society unless the order aforesaid be accompanied by a certificate of the State Board of Agriculture showing that such agricultural society held an agricultural fair during the preceding year in compliance with the rules and regulations as provided by said State Board of Agriculture: *Provided, further*, that no warrant shall be drawn in favor of any agricultural society until the president and treasurer of such society file an affidavit with the State Board of Agriculture that no wheel of fortune or other gambling device was licensed or allowed upon their fair grounds.

§ 3. It shall be the duty of the treasurer of the State Board of Agriculture, on the order of the president, countersigned by the secretary of the State Board of Agriculture, to pay over to the treasurer of each agricultural society the sum received for its use and benefit aforesaid, and make biennial report to the Governor of all such appropriations received and disbursed by him.

APPROVED June 4, 1907.

ATTORNEY GENERAL—SUITS AGAINST ILLINOIS CENTRAL RAILROAD COMPANY.

§ 1. Appropriates \$50,000.

§ 3. Emergency.

§ 2. How drawn.

(SENATE BILL NO. 24. APPROVED MARCH 19, 1907.)

AN ACT *making an appropriation to the Attorney General to be used in the employment of special counsel and assistance in the trial of the case of the State of Illinois against the Illinois Central Railroad Company.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifty thousand dollars, or so much thereof as may be necessary, be, and is hereby appropriated to the Attorney General, to be used by him in the employment of special counsel and assistance in the case of the State of Illinois against the Illinois Central Railroad Company, now pending in the Supreme Court of the State of Illinois, or such other case or cases as may be started by or on behalf of the State of Illinois against the Illinois Central Railroad Company in said Supreme Court or in any other court or courts having jurisdiction of the subject matter for an accounting or otherwise.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the moneys hereinabove appropriated upon the bills of particulars approved by the Attorney General.

§ 3. WHEREAS, The moneys above appropriated are necessary for immediate use, therefore an emergency exists and this Act shall be in force from and after its passage.

APPROVED March 19, 1907.

AWARDS BY COURT OF CLAIMS.

| | |
|---|-----------------|
| § 1. Benjamin Buckner, \$29.60. | § 2. Now drawn. |
| Sarah Mandel, \$200.00. | |
| George F. Adams and Ebenezer Tillotson, \$200.00. | |
| Charles W. Dunham, \$200.00. | |
| Samuel B. Brierly, \$400.00. | |
| J. B. Hayden and Mary F. McCormick, \$400.00. | |
| John Wildhagen, \$34.00. | |
| Charles A. Peterson, \$2,500.00. | |
| Berto G. Holmes, \$1,500.00. | |
| Eugene B. Phillips, \$400.00. | |

(SENATE BILL NO. 291. APPROVED MAY 27, 1907.)

AN ACT making an appropriation for the payment of amounts awarded by the Court of Claims to certain persons named therein.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated to Benjamin Buckner, the sum of twenty-nine and 60-100 dollars (\$29.60) for services as a member of Company I, Eighth Infantry, Illinois National Guard, at Camp Tanner prior to his muster into the service of the United States Government in the Spanish war, awarded by the Court of Claims November 19, 1905; to Sarah Mandel, the sum of two hundred dollars (\$200.00), for amount paid to the Secretary of State for a license to operate a private employment agency under the act of the General Assembly pertaining thereto, approved April 11, 1899, which act was declared unconstitutional by the Supreme Court of the State of Illinois, awarded by the Court of Claims September 28, 1906; to George F. Adams and Ebenezer Tillotson, partners doing business under the firm name of Adams & Tillotson, the sum of two hundred dollars (\$200.00) for amount paid to the Secretary of State for a license to operate a private employment agency under the act of the General Assembly pertaining thereto, approved April 11, 1899, which act was declared unconstitutional by the Supreme Court of the State of Illinois, awarded by the Court of Claims September 28, 1906; to Charles W. Dunham, the sum of two hundred dollars (\$200.00) for amount paid to the Secretary of State for a license to operate a private employment agency under the act of the General Assembly pertaining thereto, approved April 11, 1899, which act was declared unconstitutional by the Supreme Court of the State of Illinois, awarded by the Court of Claims December 15, 1906; to Samuel B. Brierly, the sum of four hundred dollars (\$400.00), for amount paid to the Secretary of State for a license to operate a private employment agency under the act of the General Assembly pertaining thereto, approved April 11, 1899, which act was declared unconstitutional by the Supreme Court of the State of Illinois, awarded by the Court of Claims December 15, 1906; to J. B. Hayden and Mary F. McCormick as co-partners under the firm name

of J. B. Hayden & Company, the sum of four hundred dollars (\$400.00), for amount paid to the Secretary of State for a license to operate a private employment agency under the act of the General Assembly pertaining thereto, approved April 11, 1899, which act was declared unconstitutional by the Supreme Court of the State of Illinois, awarded by the Court of Claims December 15, 1906; to John Wildhagen, the sum of thirty-four dollars (\$34.00), for services rendered as a member of Company B, First Infantry, Illinois National Guard, at Camp Tanner prior to his muster into the service of the United States Government in the Spanish war, awarded by the Court of Claims December 29, 1906; to Charles A. Peterson, administrator of the estate of Andrew T. Peterson, deceased, the sum of twenty-five hundred dollars (\$2,500.00) damages for the death of Andrew T. Peterson, caused by a defective bridge owned by the State, over a feeder of the Illinois and Michigan Canal, awarded by the Court of Claims April 19, 1905; to Berto G. Holmes, the sum of fifteen hundred dollars (\$1,500.00) damages for personal injuries by himself sustained, and to his property by reason of the collapse of a bridge over a certain feeder of the Illinois and Michigan Canal, awarded by the Court of Claims April 19, 1905; to Eugene B. Phillips, the sum of four hundred dollars (\$400.00) damages to premises, caused by the overflow of waters of the Illinois and Michigan Canal, awarded by the Court of Claims April 19, 1905.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said persons, respectively, for the amounts herein appropriated, payable out of any money in the treasury not otherwise appropriated.

APPROVED May 27, 1907.

BEE-KEEPERS' ASSOCIATION.

Preamble.

§ 1. Appropriates \$1,000 per annum.

§ 2. How drawn.

§ 3. Payment of vouchers—annual report.

(HOUSE BILL NO. 99. APPROVED JUNE 4, 1907.)

AN ACT *making an appropriation for the Illinois State Bee-Keepers' Association.*

WHEREAS, The members of the Illinois State Bee-Keepers' Association have for years given much time and labor without compensation in the endeavor to promote the interests of the bee-keepers of the State; and

WHEREAS, The importance of the industry to the farmers and fruit growers of the State warrants the expenditure of a reasonable sum for the holding of annual meetings, the publication of reports and papers containing practical information concerning bee-keeping, therefore to sustain the same and enable this organization to defray the expenses of annual meetings, publishing reports, suppressing foul brood among bees in the State, and promote the industry in Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That there be and is hereby*

appropriated for the use of the Illinois State Bee-Keepers' Association the sum of one thousand dollars (\$1,000) per annum for the years 1907 and 1908. For the purpose of advancing the growth and developing the interests of the bee-keepers of Illinois, said sum to be expended under the direction of the Illinois State Bee-Keepers' Association for the purpose of paying the expenses of holding annual meetings, publishing the proceedings of said meetings, suppressing foul brood among bees in Illinois, etc: *Provided, however,* that no officer or officers of the Illinois State Bee-Keepers' Association shall be entitled to receive any money compensation whatever, for any services rendered for the same out of this fund.

§ 2. That on the order of the president, countersigned by the secretary of the Illinois State Bee-Keepers' Association, and approved by the Governor, the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State of Illinois in favor of the treasurer of the Illinois State Bee-Keepers' Association for the sum herein appropriated.

§ 3. It shall be the duty of the treasurer of the Illinois State Bee-Keepers' Association to pay out of said appropriation on itemized and receipted vouchers, such sums as may be authorized by vote of said organization on the order of the president, countersigned by the secretary, and make annual report to the Governor of all such expenditures, as provided by law.

APPROVED June 4, 1907.

CANAL COMMISSIONERS—ILLINOIS RIVER.

- | | |
|---|-----------------|
| § 1. Appropriates \$78,200 for repairs to locks and dams at Henry and Copperas Creek. | § 2. How drawn. |
|---|-----------------|

(SENATE BILL NO. 359. APPROVED JUNE 1, 1907.)

AN ACT making an appropriation for repairs to the locks, dykes and dams in the Illinois river, at Henry and Copperas Creek, and for the maintenance of navigation in and along such portions of the Illinois river as are under the jurisdiction of the canal commissioners.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of making repairs to the locks, dykes and dams in the Illinois river, at Henry and Copperas Creek, and for the maintenance of navigation in and along such portions of the Illinois river as are under the jurisdiction of the canal commissioners, there is hereby appropriated the sum of seventy-eight thousand two hundred dollars (\$78,200), the same to be paid to the treasurer of the canal commissioners upon his written requisition therefor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein appropriated upon the written request of the treasurer of the canal commissioners, approved by the Governor.

APPROVED June 1, 1907.

CHARITABLE INSTITUTIONS—ORDINARY EXPENSES.

- § 1. Appropriates \$2,311,250.00 for the year beginning July 1, 1907.
- § 2. Appropriates \$2,488,750.00 for year beginning July 1, 1908.
- § 3. Now drawn.
- (SENATE BILL NO. 107. APPROVED MAY 20, 1907.)

AN ACT *making an appropriation for the ordinary and other expenses of the State charitable institutions herein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the purpose of defraying the ordinary expenses of the State institutions named in this Act, for the year beginning July 1, 1907, the sum of \$2,311,250.00, payable quarterly in advance, and the said appropriations shall be apportioned among the institutions as follows:

TO THE

| | |
|---|--------------|
| Northern Hospital for the Insane, Elgin..... | \$185,000.00 |
| Eastern Hospital for the Insane, Kankakee..... | 379,750.00 |
| Central Hospital for the Insane, Jacksonville..... | 205,000.00 |
| Southern Hospital for the Insane, Anna..... | 175,000.00 |
| Western Hospital for the Insane, Watertown..... | 175,000.00 |
| Asylum for the Incurable Insane, South Bartonville..... | 270,000.00 |
| Asylum for Insane Criminals, Menard..... | 40,000.00 |
| Illinois School for the Deaf, Jacksonville..... | 125,000.00 |
| Institution for the Education of the Blind, Jacksonville... | 47,000.00 |
| Asylum for Feeble-Minded Children, Lincoln..... | 200,000.00 |
| Soldiers' and Sailors' Home, Quincy..... | 205,000.00 |
| Soldiers' Orphans' Home, Normal..... | 67,500.00 |
| Soldiers' Widows' Home, Wilmington..... | 20,000.00 |
| Ill. Charitable Eye and Ear Infirmary, Chicago..... | 44,000.00 |
| Training School for Girls, Geneva..... | 65,000.00 |
| St. Charles Home for Boys, St. Charles..... | 80,000.00 |
| Ill. Industrial Home for the Blind, Chicago..... | 28,000.00 |

Total\$2,311,250.00

§2. For the purpose of defraying the ordinary expenses of the State institutions named in this Act for the year beginning July 1, 1908, the sum of \$2,488,750.00 is appropriated, payable quarterly in advance, and the said appropriation shall be apportioned among the institutions as follows, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly:

TO THE

| | |
|--|--------------|
| Northern Hospital for the Insane, Elgin..... | \$185,000.00 |
| Eastern Hospital for the Insane, Kankakee..... | 379,750.00 |
| Central Hospital for the Insane, Jacksonville..... | 205,000.00 |
| Southern Hospital for the Insane, Anna..... | 175,000.00 |
| Western Hospital for the Insane, Watertown..... | 175,000.00 |
| Asylum for the Incurable Insane, S. Bartonville..... | 405,000.00 |
| Asylum for Insane Criminals, Menard..... | 40,000.00 |

| | |
|--|-----------------------|
| Illinois School for the Deaf, Jacksonville..... | \$125,000.00 |
| Institution for the Education for the Blind, Jacksonville... | 47,000.00 |
| Asylum for Feeble-Minded, Lincoln..... | 200,000.00 |
| Soldiers' and Sailors' Home, Quincy..... | 210,000.00 |
| Soldiers' Orphans' Home, Normal..... | 67,500.00 |
| Soldiers' Widows, Home, Wilmington..... | 22,500.00 |
| Ill. Charitable Eye and Ear Infirmary, Chicago..... | 44,000.00 |
| State Training School for Girls, Geneva..... | 80,000.00 |
| St. Charles Home for Boys, St. Charles..... | 100,000.00 |
| Illinois Industrial Home for the Blind, Chicago..... | 28,000.00 |
| Total | \$2,488,750.00 |

§ 3. All moneys herein appropriated shall be due and payable to the trustees of the several institutions named, or to their order, only on the terms and in the manner provided in the 19th section of an act entitled "An Act to regulate the State charitable institutions and the State Reform School, and to improve their organization and increase their efficiency."

APPROVED May 20, 1907.

CHARITABLE INSTITUTIONS—SOLDIERS' AND SAILORS' HOME.

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| <p>§ 1. Trustees authorized to sell and convey certain described real estate.</p> <p>§ 2. Purchase of certain described real estate.</p> | <p>§ 3. Appropriates \$5,000—how drawn.</p> |
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(HOUSE BILL NO. 540. APPROVED MAY 25, 1907.)

AN ACT to authorize the trustees of the Soldiers' and Sailors' Home at Quincy to sell certain real estate and to purchase certain other real estate and making an appropriation for such purchase.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the trustees of the Soldiers' and Sailors' Home at Quincy be, and they are hereby, authorized to sell and convey the following described real estate belonging to said institution, to-wit: A part of the southeast quarter of section twenty-six (26) in township one (1) south, range nine (9) west of the fourth principal meridian in Adams County, State of Illinois, bounded and described as follows, to-wit: Commencing three hundred (300) feet east and thirty-three (33) feet north of the southwest corner of said southeast quarter of section twenty-six (26), thence running east two hundred forty-six (246) feet and six (6) inches, thence north one hundred ninety-eight (198) feet, thence west two hundred forty-six (246) feet and six (6) inches, and thence south one hundred ninety-eight (198) feet to place of beginning. Also a tract in said southeast quarter of said section twenty-six (26) bounded and described as follows: Commencing at a point six hundred eighty-six and one-half (686½) feet east and thirty-three (33) feet north of the southwest corner of said southeast quarter of said section twenty-six (26), thence running east

sixty-six (66) feet, thence north one hundred ninety-eight (198) feet, thence west sixty-six (66) feet and thence south one hundred ninety-eight (198) feet to the place of beginning.

§ 2. That said trustees are hereby authorized to purchase and take a good and sufficient conveyance thereof to the State for the purposes of said Home in fee simple the following described premises and real estate, to-wit: The south half ($\frac{1}{2}$) of lots one (1), two (2) and three (3) in Wilpers subdivision of ten and sixteen hundredths (10.16) acres off of the north end of the east half ($\frac{1}{2}$) of the southeast quarter of the southwest quarter of section twenty-six (26) and five and eight hundredths (5.08) acres off of the north end of the east half ($\frac{1}{2}$) of the west half ($\frac{1}{2}$) of the southeast quarter of the southwest quarter of said section twenty-six (26), in township one (1) south, range nine (9) west of the fourth principal meridian in the county of Adams and State of Illinois, according to a plat of said subdivision recorded in Book One (1) of Plats, at page eighty-three (83) in the recorder's office of said Adams county: *Provided*, that said trustees shall be able to purchase said premises and real estate at a price which shall be deemed by them fair and reasonable.

§ 3. The sum of five thousand dollars (\$5,000.00) is hereby appropriated for the purchase of and payment for said premises and real estate last aforesaid and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the amount hereby appropriated, or so much thereof as may be necessary to purchase and pay for said premises and real estate upon the order of the chairman of the board of trustees of said Soldiers' and Sailors' Home.

APPROVED May 25, 1907.

DAIRYMEN'S ASSOCIATION.

§ 1. Appropriates \$2,500 per annum. | § 2. How drawn.

(HOUSE BILL NO. 442. APPROVED JUNE 4, 1907.)

AN ACT making an appropriation for the Illinois Dairymen's Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two thousand five hundred dollars per annum for the years 1907 and 1908 be, and the same is hereby appropriated to the said Illinois Dairymen's Association in compiling, publishing and distributing its reports, and other necessary expenses.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum in this act specified, on bills of particulars certified to by the officials of said association to the order of the president of said association, and the State Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

APPROVED June 4, 1907.

DEPARTMENT OF JUSTICE.

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| § 1. Appropriates \$200,000 as balance of amount authorized. | § 2. How drawn. |
| | § 3. Emergency. |

(SENATE BILL NO. 325. APPROVED APRIL 26, 1907.)

AN ACT making an appropriation for the construction of the building for the use of the Department of Justice.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated the sum of two hundred thousand dollars for the construction of the building now in the course of erection for the use of the Department of Justice of the State of Illinois, being the balance not heretofore appropriated of the amount authorized to be expended in securing a site and constructing said building.

§ 2. The Auditor of Public Accounts is hereby directed and empowered to pay out upon vouchers signed by a majority of the commission having charge of the construction of said building, all or any part of the sum appropriated by this Act.

§ 3. WHEREAS, Said building is now being constructed and the sum hereby appropriated is required for immediate use, thereore an emergency exists, and this Act shall take effect and be in force from and after the date of its passage and approval.

APPROVED April 26, 1907.

EDUCATIONAL COMMISSION.

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| § 1. Commission created. | § 4. Duties—report. |
| § 2. Appointment of commission—chairman. | § 5. Printing. |
| § 3. Meetings—secretary—quorum—proceedings. | § 6. Expenses—compensation of secretary. |
| | § 7. Appropriates \$10,000—how drawn. |

(HOUSE BILL NO. 742. APPROVED MAY 25, 1907.)

AN ACT to create an educational commission, to define its powers and duties, and to make an appropriation therefor.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a commission of seven members be and is hereby created, to be known as the Educational Commission, to be constituted and appointed as hereinafter provided.

§ 2. Upon the passage and approval of this act, the Governor shall nominate, and by and with the advice and consent of the Senate, appoint six persons representing the various phases of educational work within the State, who, together with the Superintendent of Public Instruction, shall constitute the commission. The Superintendent of Public Instruction shall be *ex officio* chairman of the commission. All vacancies that may occur by resignation or otherwise, shall be filled by the Governor.

§ 3. The commission shall meet at the call of the chairman and elect a secretary, and shall cause a record to be made and kept of all its proceedings. Four members shall constitute a quorum for the transaction of business.

§ 4. It shall be the duty of the educational commission to make a thorough investigation of the common school system of Illinois, and the laws under which it is organized and operated; to make a comparative study of such other school systems as may seem advisable, and to submit to the Forty-sixth General Assembly, a report including such suggestions, recommendations, revisions, additions, corrections and amendments, as the commission shall deem necessary.

§ 5. The public printer is hereby authorized and directed to do all printing necessary for the educational commission.

§ 6. The members of the commission shall receive only their actual personal and traveling expenses, to be paid upon the presentation of itemized statements of such accounts, verified by affidavits, and approved by the Governor: *Provided, however,* that the secretary may receive fair compensation for the time actually spent in the work of the commission, such compensation to be determined by the commission and approved by the Governor.

§ 7. The sum of ten thousand (10,000) dollars is hereby appropriated for postage, stationery, clerical and expert service, incidental and traveling expenses of the commission, and the Auditor of Public Accounts is hereby authorized to draw his warrant for the foregoing amount or any part thereof, on the order of the educational commission signed by its chairman, attested by its secretary and approved by the Governor.

APPROVED May 25, 1907.

EDUCATIONAL INSTITUTIONS—ORDINARY EXPENSES.

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| § 1. Appropriates \$302,500 for the year beginning July 1, 1907. | § 3. Appropriates interest on college and seminary fund. |
| § 2. Appropriates \$302,500 for the year beginning July 1, 1908. | § 4. How drawn. |

(HOUSE BILL NO. 855. APPROVED MAY 27, 1907.)

AN ACT making appropriations for the ordinary expenses of the State educational institutions herein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the purpose of defraying ordinary expenses of the State institutions named in this act, for the year beginning July 1, 1907, the sum of \$302,500.00, payable quarterly in advance and that the said appropriations shall be apportioned between the said institutions as follows:

| | |
|---|--------------|
| To the Northern Illinois State Normal School, DeKalb.. | \$ 69,000 00 |
| To the Eastern Illinois State Normal School, Charleston.. | 55,000 00 |
| To the Illinois State Normal University, Normal..... | 70,000 00 |
| To the Western Illinois State Normal School, Macomb.. | 60,000 00 |
| To the Southern Illinois Normal University, Carbondale. | 48,500 00 |

Total \$302,500 00

§ 2. For the purpose of defraying the ordinary expenses of said State institutions for the year beginning July 1, 1908, the sum of \$302,500.00 is appropriated, payable quarterly in advance, and that the said appropriation shall be apportioned between the said institutions and at the same rate thereafter until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, as follows :

| | |
|--|--------------|
| To the Northern Illinois State Normal School, DeKalb.. | \$ 69,000 00 |
| To the Eastern Illinois State Normal School, Charleston. | 55,000 00 |
| To the Illinois State Normal University, Normal..... | 70,000 00 |
| To the Western Illinois State Normal School, Macomb... | 60,000 00 |
| To the Southern Illinois Normal University, Carbondale. | 48,500 00 |

Total \$302,500 00

§ 3. That there be, and is hereby, further appropriated to the Illinois State Normal University, at Normal, and to the Southern Illinois Normal University, at Carbondale, for additional ordinary expenses, to each one-half of the interest on the college and seminary fund.

§ 4. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the State Treasurer for said sum so appropriated for ordinary expenses, quarterly, upon the order of the trustees of said institutions, respectively, signed by the president and attested by the secretary, with the corporate seal attached: *Provided*, that no part of said sum shall be due and payable to any of said institutions respectively, until a detailed statement of receipts from all sources together with a detailed statement of the expenditures accompanied by the original vouchers, is filed with the Auditor of Public Accounts for all previous expenditures incurred, and said detailed statement of receipts and expenditures shall show the balance on hand at the beginning of the period for which said statement is made, the total amount received and expended, and the balance on hand at the close of the quarter for which the same is made.

APPROVED May 27, 1907.

EDUCATIONAL INSTITUTIONS—SPECIAL.

- § 1. Appropriates \$311,000 to the institutions named for the purposes enumerated. § 2. How drawn.

(HOUSE BILL NO. 854. APPROVED MAY 27, 1907.)

AN ACT *making appropriations for the State educational institutions herein named:*

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the following sums be*

and are hereby appropriated in the State institutions named in this Act for the purposes herein stated, for the two years beginning July 1, 1907, the aggregate amount of which is \$311,000.00, and that the said sums so appropriated shall be apportioned between the said institutions as follows:

| | |
|---|------------|
| To the Northern Illinois Normal School, DeKalb— | |
| For rebuilding stay wall..... | \$3,500.00 |
| For completion of lake..... | 500.00 |
| For tree planting | 500.00 |
| For boiler for heating plant..... | 2,000.00 |
| For museum | 1,000.00 |
| For extension of manual training plant..... | 500.00 |
| Total | \$8,000.00 |

| | |
|--|--------------|
| To Eastern Illinois State Normal School, Charleston— | |
| For improvement of grounds—\$2,500.00 per annum..... | \$ 5,000.00 |
| For library—\$3,000.00 per annum..... | 6,000.00 |
| For laboratory—\$1,000.00 per annum..... | 2,000.00 |
| For summer school—\$2,000.00 per annum..... | 4,000.00 |
| For woman's building and gymnasium | 1,000.00 |
| Total | \$117,000.00 |

| | |
|---|--------------|
| To the Illinois State Normal University, Normal— | |
| For the erection and completion of a manual arts building and auditorium..... | \$100,000.00 |
| For enlargement of heating plant and extraordinary repairs upon the buildings of said Illinois State normal University..... | 10,000.00 |
| Total | \$110,000.00 |

| | |
|--|-------------|
| To the Western Illinois State Normal School, Macomb— | |
| For additions to library—\$3,000.00 per annum..... | \$ 6,000.00 |
| For the care and improvement of grounds..... | 3,000.00 |
| For repairs on building and power house—\$2,000.00 per annum..... | 4,000.00 |
| For expense of trustees—\$500.00 per annum..... | 1,000.00 |
| For paving east driveway and for additional concrete walks the sum of..... | 5,000.00 |
| Total | \$19,000.00 |

| | |
|--|------------|
| To the Southern Illinois Normal University at Carbondale— | |
| Repairing steam heating plant | \$1,000.00 |
| Iron railing outside campus..... | 500.00 |
| Electric wiring and fixtures for lighting halls, corridors and offices in main building..... | 1,500.00 |
| Amphitheatre of Bayliss field..... | 1,000.00 |
| New furniture and carpets..... | 1,000.00 |

| | |
|---|-------------|
| Installing manual training equipment..... | \$ 1,000.00 |
| Gallery and gymnasium..... | 1,000.00 |
| For erection of modern building for model school..... | 50,000.00 |

Total\$57,000.00

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the State Treasurer for the aforesaid sums of money upon the order of the board of trustees of said educational institutions, herein named, respectively, signed by the president and attested by the secretary of said boards, respectively, with the corporate seals of said institutions attached and approved by the Governor: *Provided*, said orders shall be accompanied by statements in detail of all expenditures made in pursuance of the aforesaid appropriations respectively, and no warrant shall be issued until such statements in detail are filed by the respective institutions to which the appropriation is made: *And, provided, further*, that such detailed statements of receipts and expenditures and balance on hand shall be made separately, by such institutions, respectively, for each and every appropriation made to said institution.

APPROVED May 27, 1907.

EDUCATIONAL INSTITUTIONS—UNIVERSITY OF ILLINOIS.

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|--|--|
| § 1. Appropriates for ordinary expenses and items enumerated, \$710,845 per annum; for veterinary college, etc., \$30,000. | § 2. Appropriates for items enumerated as additions to the plant, \$51,100.00. |
| | § 3. How drawn. |

(SENATE BILL NO. 117. APPROVED MAY 27, 1907.)

AN ACT making appropriations for the University of Illinois.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

1. That there be and is hereby appropriated to the University of Illinois for the payment of salaries and for the ordinary operating expenses the sum of four hundred and fifty thousand dollars (\$450,000) per annum.

2. For materials for shop practice the sum of five thousand dollars (\$5,000) per annum.

3. For increase of historic, scientific and artistic cabinets and collections, two thousand dollars (\$2,000) per annum.

4. For additions to the library, twenty-five thousand dollars (\$25,000) per annum.

5. For additions to apparatus and appliances, three thousand dollars (\$3,000) per annum.

6. For fire protection, fifteen hundred dollars (\$1,500) per annum.

7. For maintenance and extension of engineering college and equipment of the Engineering Experiment Station, seventy-five thousand dollars (\$75,000) per annum.

8. For painting and repairs on buildings and improvements to grounds, fourteen thousand three hundred and forty-five dollars (\$14,345) per annum.

9. For carrying on the State water survey six thousand dollars (\$6,000) per annum.

10. For draining, fencing and repairs on experimental farms, five thousand dollars (\$5,000) per annum.

11. For maintenance of the department of social and political science and industrial economics, including instruction in banking, insurance, railway administration, twenty-five thousand dollars (\$25,000) per annum.

12. For maintenance of the school of music three thousand dollars (\$3,000) per annum.

13. For agricultural extension and also to enable the college to meet the demands for instruction at the farmers' institute six thousand dollars (\$6,000) per annum.

14. For equipment and support of the law school fifteen thousand dollars (\$15,000) per annum.

15. For equipment and maintenance of the chemical laboratory, ten thousand dollars (\$10,000) per annum.

16. For equipment and maintenance of the school of pharmacy, five thousand dollars (\$5,000) per annum.

17. For maintenance of the graduate school, fifty thousand dollars (\$50,000) per annum.

18. For maintenance of veterinary college and research laboratory, thirty thousand dollars (\$30,000), provided suitable site, buildings and equipment are furnished, within the city of Chicago, free of charge, to be approved by the trustees.

19. For maintenance of school of household and domestic science, ten thousand dollars (\$10,000) per annum.

§ 2. That there be and is hereby appropriated to the University of Illinois the following sums for additions to the plant:

1. For additional equipment of water station, three thousand dollars (\$3,000).

2. For increase of the telephone exchange, fifteen hundred dollars (\$1,500).

3. For enlarging the general heating and lighting plant, thirty-five thousand dollars (\$35,000).

4. For purchase of farm land, eleven thousand six hundred dollars (\$11,600).

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, payable out of any money in the treasury not otherwise appropriated, upon the order of the board of trustees of said university, attested by its secretary, and with the corporate seal of the university: *Provided*, that no part of said sum shall be due and payable to said university until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the university on account of the appropriations hitherto made: *And, provided, further*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditures of the sums appropriated in this act.

APPROVED May 27, 1907.

EDUCATIONAL INSTITUTIONS—UNIVERSITY OF ILLINOIS, ENDOWMENT FUND.

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| § 1. Appropriates interest on endowment fund. | § 2. How drawn. |
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(SENATE BILL NO. 118. APPROVED MAY 27, 1907.)

AN ACT appropriating to the University of Illinois the money granted in an act of Congress, approved August 30, 1890, entitled, "An Act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts," established under the provisions of an act of Congress approved July 2, 1862. And the money granted by an act of Congress approved March 4, 1907, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum or sums of money which may have accrued or may hereafter (before the first day of July, 1909) accrue to the State of Illinois, under the provisions of an Act of the Congress of the United States, approved August 30, 1890, entitled "An Act to apply a portion of the proceeds of public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July 2, 1862." And the money granted by an act of Congress approved March 4, 1907, entitled An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, are hereby appropriated to the University of Illinois, and whenever any portion of the said money shall be received by the State Treasurer it shall immediately be due and payable into the treasury of said university.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, upon the order of the chairman of the board of trustees of said university, countersigned by its secretary and with the corporate seal of said university.

APPROVED May 27, 1907.

FIREMEN'S ASSOCIATION.

Preamble.

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| § 1. Appropriates \$500 per annum. | § 3. Annual statement to Governor. |
| § 2. Appropriation not for salaries. | § 4. How drawn. |

(HOUSE BILL NO. 284. APPROVED JUNE 4, 1907.)

AN ACT to make an appropriation for the benefit, aid and maintenance of the Illinois Firemen's Association.

WHEREAS, The Illinois Firemen's Association is an organization representing the firemen, and especially the volunteer firemen of the State, and is organized under the laws of this State, and,

WHEREAS, The aims of the Illinois Firemen's Association are the education of firemen in the fire service, and the betterment of the ser-

vice in the several towns and cities in the State, for which purpose annual meetings are held for the discussion of topics on the subject, and the hearing of suggestions that are of great value to the membership (made up of the fire departments of the State of Illinois), therefore, to help sustain this organization in the holding of its annual meetings and the printing of its reports, and to otherwise promote the usefulness of this meritorious organization, the fire fighters, who voluntarily give their service in the protection of lives and homes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the Illinois Firemen's Association the following sums, to-wit: For the printing and distribution of its programs, its annual report of proceedings, organization, postage, stationery, expenses of the annual meeting, the dissemination of information pertaining to the business of the organization, the sum of five hundred dollars (\$500.00) per annum.

§ 2. No part of the said five hundred dollars (\$500.00) shall be paid as salary to any officer of the Illinois Firemen's Association.

§ 3. The secretary and treasurer of the association shall make an annual statement to the Governor on or before January 1 of each and every year, of the disposition of the said appropriation.

§ 4. The State Auditor is hereby authorized to draw his warrant for the sum herein specified, and deliver the same to the president and treasurer of the Illinois Firemen's Association upon their presenting proper vouchers for the same, signed by the president and secretary of said association, and the State Treasurer shall pay out of any money in the State treasury not otherwise appropriated.

APPROVED June 4, 1907.

FUGITIVES FROM JUSTICE—DEFICIENCY.

§ 1. Appropriates \$5,000 to pay expenses to July 1, 1907—how drawn. § 2. Emergency.

(SENATE BILL No. 451. APPROVED MAY 13, 1907.)

AN ACT making an appropriation to meet a deficiency in the expenses for returning fugitives from justice.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary to pay the expenses already incurred or to be incurred before the first day of July, 1907, for the apprehension and delivery of fugitives from justice, to be paid on evidence required by law, certified and approved by the Governor.

§ 2. WHEREAS, An emergency exists, therefore this Act shall be in force from and after its passage and approval.

APPROVED May 13, 1907.

GENERAL ASSEMBLY, 45TH—EMPLOYEES.

§ 1. Appropriates \$100,000—how drawn. | § 2. Emergency.

(SENATE BILL NO. 2. APPROVED JANUARY 30, 1907.)

AN ACT making appropriations for the payment of employes of the Forty-fifth General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated the sum of \$100,000, or so much thereof as may be necessary, to pay the employes of the Forty-fifth General Assembly at the rate of compensation allowed by law. Said employes to be paid upon rolls certified to by the presiding officers of the respective houses, or by the Secretary of State, approved by the Governor, as provided by law.

§ 2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists and this Act shall take effect from and after its passage.

APPROVED January 30, 1907.

GENERAL ASSEMBLY, 45TH—INCIDENTALS—1.

§ 1. Appropriates \$22,000 for incidentals and for care of State House and grounds. | § 2. How drawn.
| § 3. Emergency.

(SENATE BILL NO. 1. APPROVED JANUARY 30, 1907.)

AN ACT to provide for the incidental expenses of the Forty-fifth General Assembly of the State of Illinois, and for the care and custody of the State House and grounds, to be incurred and now unprovided for.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$22,000, or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Forty-fifth General Assembly, or either branch thereof, or to be expended by the Secretary of State in the discharge of the duties imposed upon him by law, or by the direction of the General Assembly, or either branch thereof. All expenditures to be certified to by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified upon presentation of proper vouchers, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary for the expenses incurred in the transaction of the business of the State and the Forty-fifth General Assembly, therefore an emergency exists, and this Act shall take effect from and after its passage.

APPROVED January 30, 1907.

GENERAL ASSEMBLY, 45TH—INCIDENTALS—2.

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| § 1. Appropriates \$7,000 for incidental expenses—how certified. | § 2. How drawn. |
| | § 3. Emergency. |

(HOUSE BILL No. 872. APPROVED MAY 15, 1907.)

AN ACT to provide for the incidental expenses of the Forty-fifth General Assembly of the State of Illinois, and for the care and custody of the State House and grounds, to be incurred and now unprovided for.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of seven thousand dollars, or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Forty-fifth General Assembly, or either branch thereof, or to be expended by the Secretary of State in the discharge of the duties imposed upon him by law, or by the direction of the General Assembly, or of either branch thereof. All expenditures to be certified to by the Secretary of State, and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified upon presentation of proper vouchers, and the State Treasurer shall pay out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above cited is necessary for the expenses incurred in the transaction of the business of the State and the Forty-fifth General Assembly, therefore, an emergency exists, and that this act shall take effect from and after its passage.

APPROVED May 15, 1907.

GENERAL ASSEMBLY (45TH) AND STATE OFFICERS.

- § 1. Appropriates \$1,000,000.

(SENATE BILL No. 547. APPROVED MAY 27, 1907.)

AN ACT making appropriation for the payment of the officers and members of the next General Assembly, and for salaries of the officers of the State government.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated the sum of one million dollars (\$1,000,000), or so much as may be necessary, to pay the officers and members of the next General Assembly, and the salaries of the officers of the State government, at such rates of compensation as are now or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

APPROVED May 27, 1907.

GOVERNOR—INVESTIGATION OF ILLINOIS CENTRAL RAILROAD COMPANY.

§ 1. Appropriates \$100,000.

§ 3. Emergency.

§ 2. How drawn.

(SENATE BILL NO. 25. APPROVED MARCH 19, 1907.)

AN ACT *making an appropriation to the Governor, to be used in the investigation and examination of the books, records, reports and accounts of the Illinois Central Railroad Company.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one hundred thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated to the Governor, to be used by him in the investigation and examination of the books, records, reports and accounts of the Illinois Central Railroad Company, and for the purpose of ascertaining the total amount of proceeds, receipts or income of said company derived from its charter lines, to be used in connection with the case of the State of Illinois against said company, now pending in the Supreme Court, or in connection with such other case or cases as may be instituted on behalf of the State of Illinois against said company in the Supreme Court or in any other court or courts having jurisdiction.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the moneys hereinabove appropriated upon bills of particulars approved by the Governor.

§ 3. WHEREAS, The moneys above appropriated are necessary for immediate use, therefore an emergency exists and this act shall be in force from and after its passage.

APPROVED March 19, 1907.

HISTORICAL LIBRARY—PROCURING DOCUMENTS.

§ 1. Appropriates \$5,000 per annum—how expended.

(HOUSE BILL NO. 225. APPROVED JUNE 4, 1907.)

AN ACT *making appropriations for procuring documents, papers, materials and publications relating to the Northwest and the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five thousand dollars (\$5,000) per annum be and is hereby appropriated for the purpose of securing copies of papers, documents, materials and publications relating to the Northwest and the State of Illinois and publishing the same; the same to be expended by the trustees of the Illinois State Historical Library with the sanction of the Governor.

APPROVED June 4, 1907.

HISTORICAL VOLUME—"ILLINOIS AT VICKSBURG."

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|--|----------------------------|
| § 1. Purpose of volume. | § 4. Appropriates \$5,000. |
| § 2. Illinois-Vicksburg Military Park Commission empowered to publish. | § 5. How drawn. |
| § 3. Contractors may or may not be members of commission—report to Governor. | § 6. Repeal. |
| | § 7. Emergency. |

(HOUSE BILL NO. 80. APPROVED MARCH 19, 1907.)

AN ACT to provide for the compilation, editing, publication and distribution of a commemorative and historical volume to be entitled, "Illinois at Vicksburg," and making appropriations therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, for the purposes of the compilation, editing, publication and distribution of a commemorative and historical volume, to be entitled, "Illinois at Vicksburg," showing the services of Illinois troops during the campaign and siege of Vicksburg, Mississippi, in the year A. D. 1863, and also showing what a later generation of Illinoisans have done, from 1901 to 1906, to commemorate the services of the sons of Illinois in and during that memorable campaign and siege, by the erection of regimental monuments and markers and a State monument, or memorial temple, in the National Military Park at Vicksburg, Mississippi, and to pay the expenses and cost thereof, the following provisions and appropriations are hereby enacted and made:

§ 2. That for carrying out the purposes of this Act, the Illinois-Vicksburg Military Park Commission, created and appointed by and in pursuance of an act entitled, "An Act to provide for the erection of monuments and markers to commemorate the services and mark the positions of Illinois Volunteers in the campaign and siege of Vicksburg, Mississippi, and making appropriation therefor," approved May 14, 1903, in force July 1, 1903, is hereby authorized and empowered to compile, edit, publish and distribute, or cause to be compiled, edited, published and distributed, the said commemorative and historical volume mentioned in the first section of this act; the said volume to contain the names of all Illinois soldiers and sailors appearing upon the bronze tablets, or carved in stone; upon the inner walls of the Illinois State monument, or memorial temple, erected in the National Military Park at Vicksburg, Mississippi, arranged in alphabetical order, as nearly as shall be practicable, and stating the places from which said soldiers and sailors enlisted, so that the same shall be a work of easy reference for them, and for their descendants in future years; the said volume to be so illustrated that it will be in the nature of a monument, in harmony with the spirit of the State monument, or memorial temple, erected by the people of Illinois in the National Military Park at Vicksburg, Mississippi; and the same shall also contain all the acts of the General Assembly of the State of Illinois authorizing the erection of said regimental monuments and markers and State monument, or memorial temple, together with a substantially complete statement of the proceedings of said Illinois-Vicksburg Military Park Commission in the

erection thereof, and of the amounts of money expended in that behalf; and the same shall also contain such other historical facts, information, matter and things, relating to the campaign and siege of Vicksburg, Mississippi, in the year A. D. 1863, during the civil war, and connected therewith, and relating to the services of Illinois soldiers and sailors therein, as said commission shall deem desirable to be inserted in said volume.

§ 3. The said commission, mentioned in the second section of this act, are hereby authorized and empowered to contract for the compilation, editing, publication and distribution of said commemorative and historical volume, mentioned in the first section of this Act, with such competent and responsible persons as said commission may select for the several respective parts of said work; and the person or persons employed to do the work of the compilation of the matter to be contained in said volume, and the editing and distribution thereof, may, or may not, in the discretion of said commission, be a member or members of said commission, any law of this State to the contrary notwithstanding. And said commission shall make full report to the Governor of its acts and doings under this act.

§ 4. That, for carrying out the purposes of this act, so much of the appropriations made and provided in and by the said act mentioned in the second section of this act, and in and by another act entitled, "An Act to provide for the re-appropriation of the unexpended balance of funds appropriated in and by an act entitled, 'An Act to provide for the erection of monuments and markers to commemorate the services and mark the positions of Illinois Volunteers in the campaign and siege of Vicksburg, Mississippi, and making appropriation therefor,' approved May 14, 1903, in force July 1, 1903; and also to make additional appropriation for the completion of said monuments and markers mentioned in said act, and for the dedication thereof, and for the compilation and publication of a report thereof and of the acts and doings of the commissions thereby created," approved May 18, 1905, in force July 1, 1905, as shall not be expended on or before the thirtieth day of September, A. D. 1907, is hereby reappropriated from the State treasury of Illinois, and devoted to and for the purposes specified in this act, after the actual expenses incurred by the members of said commission in the performance of their duties shall first be paid out of the same, and the same shall be expended and paid out in accordance with the provisions of this act; and for the purpose of providing sufficient funds for the payment of the total expenditures contemplated in and by this act, there is now hereby appropriated the further and additional sum of five thousand dollars (\$5,000.00) to be paid out of moneys in the State treasury not otherwise appropriated; and the said moneys hereinabove mentioned and appropriated shall be expended by and under the direction of said commission, and paid out in the manner hereinafter in this act specified.

§ 5. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the Treasurer, on the presentation of proper vouchers certified by said commission and approved by the

Governor, for the payment of the cost and expenses of the compilation, editing, publication and distribution of said commemorative and historical volume, in accordance with the terms and provisions of such contract or contracts as shall be made by said commission in pursuance of this act, and also for the payment of the actual expenses of the members of said commission incurred in the performance of their duties under this act.

§ 6. All laws, and parts of laws, in conflict with the provisions of this act, or with any of the provisions hereof, are hereby repealed.

§ 7. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED March 19, 1907.

HORTICULTURAL SOCIETY.

§ 1. Appropriates \$5,000 per annum. | § 2. How drawn.

(HOUSE BILL NO. 434. APPROVED JUNE 4, 1907.)

AN ACT making an appropriation in aid of the Illinois State Horticultural Society.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the use of the Illinois State Horticultural Society, the sum of five thousand dollars (\$5,000.00) per annum, for the purpose of advancing the growth and development of the horticultural interests of the State for the years 1907 and 1908, said sum to be expended by said society for the purpose and in the manner specified in "An Act to organize the Illinois State Horticultural Society," approved March 24, 1874: *Provided, however,* that no portion thereof shall be paid for or on account of any salary or emoluments of any officer of said society, except the secretary, who may receive not to exceed four hundred dollars per annum: *And, provided, further,* that one thousand dollars (\$1,000.00) of said sum may be expended each year in field experiments.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum in this act specified on bills [of] particulars certified to by the officials of said society to the order of the president of said society and the State Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

APPROVED June 4, 1907.

INTERNAL IMPROVEMENT COMMISSION—LEVEE AT SHAWNEETOWN.

§ 1. Appropriates \$17,000 for repairs and improvements. | § 2. How drawn.

(SENATE BILL NO. 327. APPROVED MAY 17, 1907.)

AN ACT making an appropriation to the Internal Improvement Commission of Illinois for the purpose of repairing and strengthening the levee at Shawneetown, Illinois.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated

to the Internal Improvement Commission of Illinois the sum of seventeen thousand dollars (\$17,000) for use in repairing and strengthening the levee at Shawneetown, Illinois, so as to protect said city from floods and overflows of the Ohio and Wabash rivers.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant from time to time upon the State Treasurer for the moneys herein appropriated upon proper vouchers, certified by the said commission and approved by the Governor.

APPROVED May 17, 1907.

LINCOLN HOMESTEAD—REPAIRS.

§ 1. Appropriates \$3,000 for repairs—how drawn.

(SENATE BILL NO. 239. APPROVED MAY 9, 1907.)

AN ACT making an appropriation for repairs of the Lincoln Homestead.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated the sum of three thousand dollars (\$3,000) to defray the expenses of repairing the Lincoln Homestead, to be paid out of any moneys in the treasury of the State not otherwise appropriated, on warrants of the Auditor upon the Treasurer, on the direction of a majority of the Board of Lincoln Homestead Trustees.

APPROVED May 9, 1907.

LIVE STOCK BREEDERS' ASSOCIATION.

§ 1. Appropriates \$500 per annum.

§ 3. How drawn.

§ 2. Appropriation not for salaries.

§ 4. Annual report to Governor.

(HOUSE BILL NO. 287. APPROVED JUNE 4, 1907.)

AN ACT making an appropriation for the Illinois Live Stock Breeders' Association.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is appropriated to the Illinois Live Stock Breeders' Association, the following sums, to-wit: For printing and distributing reports, programs, postage, stationery, expenses of speakers, etc., the sum of five hundred dollars (\$500) per annum for the years 1907 and 1908.

§ 2. No officer or officers of the Illinois Live Stock Breeders' Association shall be entitled to receive any money compensation whatever for any service rendered for same.

§ 3. That on the order of the president, countersigned by the secretary of the Illinois Live Stock Breeders' Association and approved by the Governor, the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State of Illinois in favor of the treasurer of the Illinois Live Stock Breeders' Association for the sum herein appropriated.

§ 4. It shall be the duty of the treasurer of the Illinois Live Stock Breeders' Association to pay out of said appropriation, on itemized and receipted vouchers, such sums as may be authorized by said organization on the order of the president, countersigned by the secretary, and make final report to the Governor of all expenditures, as provided by law.

APPROVED June 4, 1907.

MILK PRODUCERS' INSTITUTE.

§ 1. Appropriates \$500 per annum—how drawn.

(HOUSE BILL NO. 574. APPROVED JUNE 4, 1907.)

AN ACT to make an appropriation to the State Milk Producers' Institute. An act to appropriate \$1,000 for the Milk Producers' Institute of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$500.00 per annum for the years 1907 and 1908 is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the use and benefit of said association, and the State Auditor is hereby authorized to draw his warrant for same and deliver to the treasurer of the Illinois State Milk Producers' Institute upon his presenting proper receipts therefor, certified by the president and secretary of said association, said amount to be used for the purpose of holding the annual convention and institute of said association and for the purpose of educating and instructing those interested in the economic and sanitary production of milk, and for such other purposes as in the judgment of the officers shall best subserve the interests of the Illinois State Milk Producers' Institute.

APPROVED June 4, 1907:

MONUMENTS—ANDERSONVILLE PRISON.

§ 1. Site to be selected by commission.

§ 3. Appropriates \$15,000—how drawn.

§ 2. Appointment of commission—powers and duties.

§ 4. Report to Governor.

(HOUSE BILL NO. 108. APPROVED MAY 24, 1907.)

AN ACT to commemorate the heroism, valor and patriotic services of the Illinois volunteer soldiers in the army of the Union in the civil war, who died in Andersonville Prison (officially designated Camp Sumpter), in the county of Sumpter, in the State of Georgia, while confined there as prisoners of war, by the erection of a suitable monument, either in the National cemetery or on the site of the prison stockade at that place. Creating a commission for such purpose and appropriating a sufficient sum of money therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a suitable memorial or monument be forthwith erected in the National cemetery or on the

site of the stockade grounds, as the commission may decide, to fittingly commemorate the patriotic devotion, heroism and self-sacrifice of the Illinois soldiers in the armies of the Union during the civil war of 1861 to 1865, who died while confined as prisoners of war in the military prison at Andersonville, Georgia, during the late civil war, and were buried in the National cemetery at that place.

§ 2. Said monument or memorial shall be erected under the direct supervision and control, as to location aforesaid, design, inscription and execution, of a commission to be appointed by the Governor, consisting of five persons, at least three of whom shall be members of the association of Ex-Prisoners of War of Illinois, to proceed on the ground and by themselves, or with such assistance as they may deem necessary to employ, to locate a site, procure plans, designs and specifications for such memorial or monument to secure the execution thereof, and to do all necessary things for the appropriation and speedy completion of said memorial or monument herein authorized, and for carrying this Act into operation and final consummation.

§ 3. In order to defray the necessary expenses of the design, execution, inscription, location of said memorial or monument, and reasonable expense of said commission incident to the same, the sum of fifteen thousand dollars (\$15,000), or as much thereof as may be absolutely necessary therefor, is hereby appropriated and set aside out of any moneys in the treasury, not otherwise appropriated; such expenditures to be made only by, or under the direct orders and supervision of said commission, and to be paid by the State Treasurer, on warrants to be drawn on him by the chairman or president of said commission, duly attested by the secretary and to be accompanied in each case by an itemized bill for the amount of such warrants, and be subject to the approval of the Auditor of Public Accounts of the State.

§ 4. On the completion of said memorial or monument, said commission shall make full report to the Governor, setting forth the facts in connection therewith, and embodying therein a full and complete itemized account of all expenditures and outlays incurred and made in the execution of the work.

APPROVED May 24, 1907.

MONUMENTS—ELIAS KENT KANE, RANDOLPH COUNTY.

§ 1. Appropriates \$500 for purchase of land and to repair tomb.

§ 3. How drawn.

§ 2. Commissioners to administer act.

(HOUSE BILL NO. 511. APPROVED JUNE 4, 1907.)

AN ACT making an appropriation of five hundred dollars (\$500) for repairing the tomb of Elias Kent Kane, second United States senator from Illinois, and for the purchase of land.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is appropriated, the sum of five hundred dollars (\$500), or as much

thereof as may be necessary, to purchase the land and to properly repair the tomb of Elias Kent Kane, located on the bluff across the Mississippi river from Kaskaskia, in Randolph county.

§ 2. That for the purpose of carrying out the provisions of this act, the Governor shall appoint three commissioners, to whom no compensation for services or expenses shall be paid, and said commissioners shall make full report to the Governor of their acts and doing hereunder.

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the Treasurer, on the presentation of proper vouchers certified by said commissioners and approved by the Governor, for the payment of said repairs to the extent of said appropriation hereby made, when said repairs are completed.

APPROVED June 4, 1907.

MONUMENTS—GEORGE ROGERS CLARK, QUINCY.

Preamble.

§ 1. Appropriates \$6,000.

§ 2. Commissioners to administer act—
expenditures, how certified and
paid.

(HOUSE BILL NO. 10. APPROVED MAY 23, 1907.)

AN ACT making an appropriation for constructing and erecting a monument in Riverview Park, at Quincy, Illinois, to the memory of General George Rogers Clark.

WHEREAS, General George Rogers Clark, with prophetic vision, was enabled, during the revolutionary period of our history, to see, in that great region lying between the Ohio, the great lakes, and the Mississippi, a territory of most strategic value, boundless wealth and wondrous opportunity, and who by the authority of a council of Virginia statesmen, composed of Patrick Henry, Thomas Jefferson, George Mason, and George Wythe, at almost inconceivable peril to himself and his followers, swept it free from marauding band and lurking foe, and organized it as a county of the Old Dominion, through the munificence of that commonwealth, and by the provisions of the ordinance of 1787, drafted by Jefferson, it became the Northwest Territory, a portion, in 1809, was made the Territory of Illinois, and from this conception, was born, in 1818, Illinois, fairest of the sisterhood of states. More than a century has gone by, and as yet no fitting tribute to the memory and achievements of this remarkable man has been established, therefore:

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is appropriated the sum of six thousand dollars, or so much thereof as may be necessary to be expended in the construction and erection of a suitable monument in memory of the said General George Clark, said monument to be erected on the east bank of the Mississippi river in Riverview Park, in the city of Quincy, which bold promontory is the most western point of high land in all Illinois.

§ 2. The design, construction and erection of said monument shall be under the supervision and construction of a commission of five members, not more than three members to be of any one political party, to

be appointed by the Governor, who shall serve without pay except for their actual expenses. All bills for expenditures within in this appropriation shall be paid upon certificates of approval signed by at least three members of said commission, and by the Governor, and the Auditor shall issue his warrant for the same out of any money not otherwise appropriated.

APPROVED May 23, 1907.

NATIONAL GUARD—OVERCOATS AND UNIFORMS.

§ 1. Appropriates \$90,000.

§ 2. How drawn.

(HOUSE BILL NO. 292. APPROVED JUNE 4, 1907.)

AN ACT to provide for the purchase of overcoats, dress and service uniforms, and pea-jackets for the Illinois National Guard and the Illinois Naval Reserve.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ninety thousand dollars (\$90,000) or so much thereof as may be necessary, is hereby appropriated to pay for the manufacture and purchase of overcoats, dress and service uniforms, and pea-jackets for the Illinois National Guard and the Illinois Naval Reserve.

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| 6000 Dress uniforms..... | \$60,000.00 |
| 6000 Service uniforms..... | 18,000.00 |
| 300 Pea-jackets..... | 3,000.00 |
| 4500 Dress caps..... | 5,000.00 |
| 2700 Campaign hats..... | 4,000.00 |
| | <hr/> |
| | \$90,000.00 |

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 4, 1907.

NATIONAL GUARD—SECOND INFANTRY AND CAMP LOGAN.

§ 1. Appropriates \$35,000 for armory
site for Second Infantry.
Appropriates \$9,000 for additional
ground for Camp Logan.

§ 2. How drawn.

(HOUSE BILL NO. 293. APPROVED JUNE 4, 1907.)

AN ACT to purchase armory site for Second Infantry, Illinois National Guard, and sixty (60) acres additional ground for Camp Logan, Illinois.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary, is

hereby appropriated for the purchase of lots ten (10), thirteen (13), fourteen (14), fifteen (15), and the west half of sixteen (16), in block forty-two (42) in Carpenter's addition to Chicago in the west one-half of the southeast quarter of section eight (8), township thirty-nine (39), north, range fourteen (14), east of the third (3rd) principal meridian, in Cook county, Illinois, now occupied by armory building owned by the Second Infantry, Illinois National Guard, and that the further sum of nine thousand dollars (\$9,000), or so much thereof as may be necessary, is hereby appropriated for the purchase of sixty (60) acres of additional ground located on the west side and adjoining Camp Logan, Illinois.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 4, 1907.

NATIONAL GUARD—SEVENTH INFANTRY, ARMORY.

§ 1. Appropriates \$150,000 for armory—
proviso.

§ 2. How drawn.

(HOUSE BILL NO. 510. APPROVED JUNE 5, 1907.)

AN ACT to appropriate the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, for the purpose of constructing an armory building for the use of the Seventh Infantry, Illinois National Guard, located in Chicago, Cook county, Illinois, provided that there shall be deeded to the State suitable ground upon which to erect said armory, the site to be approved by the Governor and Adjutant General.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, is hereby appropriated to pay for the erection of an armory for the use of the Seventh Infantry, Illinois National Guard, located in Chicago, Cook county, Illinois: *Provided, however,* that there shall be deeded to the State suitable ground upon which to erect said armory, the site to be approved by the Governor and Adjutant General.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED June 5, 1907.

PENAL AND REFORMATORY—SOUTHERN PENITENTIARY.

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| § 1. Appropriates \$200,000 per annum for ordinary expenses—\$30,700 for items enumerated. | § 2. How drawn. |
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(HOUSE BILL NO. 571. APPROVED JUNE 4, 1907.)

AN ACT *making appropriations for the ordinary and other expenses of the Southern Illinois Penitentiary at Chester, Illinois.*

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, and the same are hereby appropriated to the Southern Illinois Penitentiary at Chester, for the purposes hereinafter named, and no other:

For ordinary expenses for the two years ending June 30, 1909, \$200,000.00 per annum.

For maintaining library and furnishing chapel, \$350.00 per annum.

For expenses enforcing parole law, \$5,000.00 per annum.

For the construction and equipment of a dining hall for prisoners, \$20,000.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrants upon the State Treasurer for the moneys herein appropriated, upon the order of the board of commissioners of said penitentiary, and attested by the secretary with the seal of the institution attached, and approved by the Governor.

APPROVED June 4, 1907.

PENAL AND REFORMATORY—STATE PENITENTIARY.

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| § 1. Appropriates \$240,000 per annum for ordinary expenses—\$16,000 per annum for items enumerated. | § 2. How drawn. |
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(HOUSE BILL NO. 868. APPROVED JUNE 4, 1907.)

AN ACT *to make appropriation for ordinary and other expenses of the Illinois Penitentiary at Joliet.*

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be, and the same are hereby appropriated to the Illinois State Penitentiary at Joliet, for the purposes hereinafter named and no other.

For ordinary expenses for the year ending June 30, 1908... \$ 240,000

For ordinary expenses for the year ending June 30, 1909... 240,000

For meeting the expenses of maintaining and operating
the parole system the sum of \$10,000 per annum..... 20,000

For painting and general repairs, \$6,000 per annum..... 12,000

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the amounts herein appropriated, quarterly in advance, in so far as it relates to the appropriations for ordinary expenses, upon the order of the board of

commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of the institution and the approval of the Governor thereto attached: *Provided*, that no part of such sums shall be due and payable to said institution until a detailed statement of receipts from all sources, together with a detailed statement of the expenditures, accompanied by the original vouchers, is filed with the Auditor of Public Accounts for all previous expenditures incurred, and such detailed statement of receipts and expenditures shall show the balance on hand at the beginning of the period for which such statement is made, the total amounts received and expended, and the balance on hand at the close of the quarter for which the same is made; and the Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sums herein appropriated for the special purposes upon the order of the board of commissioners when accompanied by itemized bills of particular(s), signed by the president and attested by the secretary, with the seal of the institution, and the approval of the Governor thereto attached, certifying that the expenditures mentioned in said bill of particulars have been made and that the amount is due and payable.

APPROVED June 4, 1907.

PENITENTIARY COMMISSION—NEW BUILDINGS.

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| § 1. Commission appointed by Governor. | § 6. Construction of buildings. |
| § 2. Organization of commission. | § 7. Employment of convict labor. |
| § 3. Selection of site—title—conveyance. | § 8. Letting contracts—proviso. |
| § 4. Condemnation proceedings authorized. | § 9. Appropriates \$500,000. |
| § 5. Plans and specifications. | § 10. How drawn. |

(HOUSE BILL NO. 870. APPROVED JUNE 5, 1907.)

AN ACT creating a commission and providing for the acquisition of land for the re-location of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals, and for the building of a new Illinois State Penitentiary and a new Illinois Asylum for Insane Criminals at or near the city of Joliet, and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That upon the taking effect of this Act a commission consisting of three members to be known as "The Penitentiary Commission," shall be appointed by the Governor. Vacancies occurring in said commission shall be filled by the Governor. Said commissioners shall serve without pay, but the reasonable and necessary expenses of said commissioners shall be paid out of the appropriation hereinafter made. Said commission shall have full power to execute the duties and carry out the provisions of this act as hereinafter set forth.

§ 2. It shall be the duty of said commission to meet and organize as soon as practicable after the taking effect of this act by electing one of its number president and another secretary.

§ 3. It shall be the duty of the said commission to select and obtain by donation, purchase, or otherwise, for the State, a suitable site for the re-location of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals, at or near the city of Joliet, Illinois: *Provided*, that the site upon which such Illinois State Penitentiary and Illinois Asylum for Insane Criminals are located shall contain not less than two thousand acres in one body. The conveyances of such site, after the title thereto has been passed upon and approved by the Attorney General, shall be taken in the name of the People of the State of Illinois and the deeds therefor and other evidences of title, shall be filed in the office of the Secretary of State.

§ 4. In case said commission cannot acquire title to the land so selected, or any part thereof, either by purchase or donation, said commission is hereby invested with power to obtain the title to any site so selected, or any part thereof, by condemnation under the eminent domain laws of this State.

§ 5. After said commission shall have selected a suitable site for the relocation of the Illinois State Penitentiary and the Illinois Asylum for Insane Criminals and acquired for the State title thereto, it shall be the duty of said commissioners to cause to be prepared the necessary plans and specifications by a competent architect, or board of architects, of established reputation for ability and integrity, (the said commission being hereby authorized to employ and pay such architect, or board of architects, out of the appropriation hereinafter made) for the construction of the necessary building, or buildings, for the confinement and employment of convicts and for the confinement of insane criminals, including buildings, walls, guard rooms, work shops and yards, dining rooms, kitchens, bakeries, laundries, coal houses, store houses, hospitals, chapels and rooms or buildings for the keeper, or keepers, heating and lighting plants, and such other buildings, improvements and structures as such commission may deem advisable, together with a system of sewerage and water supply, to cost, including the amount paid for the site so selected, in the aggregate not to exceed two million dollars.

Upon the approval by said commission of such plans and specifications, it shall be the duty of said commission to proceed with the construction of such building or buildings, improvements and structures in accordance therewith.

§ 6. The construction and erection of such building, or buildings, improvements and structures shall be under the supervision and direction of the commissioners hereinbefore named. Said commissioners in constructing and erecting said building, or buildings, improvements and structures, shall have full power to make all necessary contracts and to employ such superintendents, agents, overseers and workmen as they may deem necessary, and shall procure all necessary implements, tools and machinery to be used in the construction and erection of said building, or buildings, improvements and structures and the stone and necessary materials therefor.

§ 7. In the construction of said building, or buildings, improvements and structures, said commission shall use as far as practicable the labor of the convicts confined in the Illinois State Penitentiary, and

for this purpose said commissioners are hereby authorized to cause convicts confined in the Illinois State Penitentiary to be taken beyond the walls of said penitentiary for the purpose of laboring on or about the building, or buildings, and other works in the construction of said penitentiary and in getting out and preparing materials therefor until the same shall be completed. Whenever said convicts are employed on said buildings, improvements, structures and other works, the warden of the Illinois State Penitentiary shall provide for the care and safe custody of the convicts so employed.

§ 8. In lieu of constructing said building, or buildings, improvements and structures, in the manner provided by sections six and seven of this Act, said commissioners, if they deem it advisable and for the best interests of the State, may let by contract the construction of said building, or buildings, improvements and structures, or any part of them, to the lowest and best responsible bidder. Before any contract is let under the provisions of this section, said commissioners shall advertise for bids for thirty days in at least one newspaper in each of the following named cities, to-wit: Chicago, Springfield, Bloomington, Peoria, Decatur, East St. Louis, and Joliet. At the expiration of thirty days, at an appointed time and place, said commissioners shall open in the presence of all the bidders present, all the bids that have been received by them, and shall enter into contract with the lowest and best responsible bidder, or bidders for the construction of such building, or buildings, improvements or structures, as are mentioned in such advertisement, requiring or taking from said contractor, or contractors, a good and sufficient bond for the faithful performance of said contract according to the specifications: *Provided*, the commissioners shall reserve the right to reject any and all such bids, and may readvertise as many times as in their judgment they may deem best.

It shall be a condition precedent in letting such contract, or contracts, that said contractor, or contractors, shall employ the labor of the convicts confined in the Illinois State Penitentiary upon terms to be agreed upon between said commissioners and said contractors. It shall be the duty of said commissioners upon each periodical settlement with said contractors to retain in the funds herein appropriated the amount of the contract price of the labor performed by said convicts prior to such settlement.

§ 9. In order to carry out the provisions of this Act and to secure a site and begin the construction of such building, or buildings, improvements and structures, there is hereby appropriated the sum of five hundred thousand dollars, to be subject to the order of said commission on the terms and conditions set forth in section 10 of this Act.

§ 10. The Auditor of Public Accounts is hereby directed and empowered to pay out upon vouchers signed by a majority of the commission herein named, all or any part of the sum so appropriated in section 9 of this Act.

APPROVED June 5, 1907.

POULTRY ASSOCIATION.

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| § 1. Appropriates \$1,000 per annum. | § 3. How drawn. |
| § 2. No appropriation for salaries. | |

(HOUSE BILL NO. 531. APPROVED JUNE 4, 1907.)

AN ACT *making an appropriation for the Illinois State Poultry Association.*

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The sum of one thousand dollars (\$1,000.00) per annum for the years 1907 and 1908 be, and is hereby, appropriated out of any money in the State treasury not otherwise appropriated for the use and benefit of the Illinois State Poultry Association, said amount to be used for the purpose of paying premiums, providing uniform coops and defraying the expenses incurred in holding annual meetings, and for such other purposes as in the judgment of said association shall best subserve the poultry interests of the State of Illinois.

§ 2. No officer or officers of the Illinois State Poultry Association shall be entitled to or receive any moneyed compensation whatever for any service for the same.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant for the same and deliver it to the treasurer of the Illinois State Poultry Association, upon his presenting proper itemized vouchers therefor, certified to by the president and secretary of said association under seal of such corporation.

§ 4. It shall be the duty of the treasurer of the Illinois State Poultry Association to pay out of said appropriation, on itemized and receipted vouchers, such sums as may be authorized by vote of said organization on the order of the president, countersigned by the secretary, and make annual report to the Governor of all expenditures, as provided by law.

APPROVED June 4, 1907.

PRINTING AND BINDING—DEFICIENCY.

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| § 1. Appropriates \$3,000 for printing and stationery. | § 4. How drawn. |
| § 2. Appropriates \$5,000 for public printing. | § 5. Emergency. |
| § 3. Appropriates \$5,000 for public binding. | |

(SENATE BILL NO. 145. APPROVED MARCH 11, 1907.)

AN ACT *making an appropriation for a deficiency in the appropriations for the purchase of printing paper and stationery and for making payments for printing and binding for the State under State contracts.*

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$3,000 be and is hereby appropriated to the Board of Commissioners of State Contracts

to meet the deficiency for the purchase of printing paper and stationery now under contract.

§ 2. That the sum of \$5,000.00 be and is hereby appropriated to the Board of Commissioners of State Contracts to meet the deficiency for the public printing of the State, now under contract.

§ 3. That the sum of \$5,000.00 be and is hereby appropriated to the Board of Commissioners of State Contracts to meet the deficiency in the appropriation for the public binding of the State, now under contract.

§ 4. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified, upon presentation of vouchers certified to by the Board of Commissioners of State Contracts and approved by the Governor, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 5. WHEREAS, The appropriations above recited are necessary for the transaction of the business of the State; therefore, an emergency exists, and this Act shall be in force and take effect from and after its passage.

APPROVED March 11, 1907.

RELIEF—ESTATE OF JUSTICE WILKIN.

§ 1. Appropriates \$1,805.55 for salary—how drawn.

(SENATE BILL NO. 540. APPROVED MAY 17, 1907.)

AN ACT to appropriate two months' and five days' salary to the estate of the late Justice Wilkin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$1,805.55 be and is hereby appropriated for the payment of two months' and five days' salary, from April 4, 1907, to the 8th day of June, 1907, of the late Justice Jacob W. Wilkin, one of the justices of the Supreme Court, to his estate, this being from the time of his death until the election of his successor; and that the Auditor shall draw his warrant on the State Treasurer in favor of the administrator or administratrix of Jacob W. Wilkin for the amount hereby appropriated.

APPROVED May 17, 1907.

RELIEF—MARY E. McDONOUGH AND MRS. DANIEL BUETTNER.

§ 1. Appropriates \$675.20—how drawn. | § 2. Emergency.

(HOUSE BILL NO. 883. APPROVED JUNE 4, 1907.)

AN ACT making an appropriation of the amount of the uncollected salaries of Daniel V. McDonough and Daniel Buettner, deceased members of the Forty-fifth General Assembly, in favor of the mother and widow of each respectively.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of six hundred and seventy-five dollars and twenty cents (\$675.20) is hereby appropriated and directed to be paid from any funds not otherwise appropriated in the treasury of Illinois, which said sum shall be paid by the Treasurer upon the warrant of the Auditor of Public Accounts of Illinois in manner as follows: Three hundred thirty-seven dollars and sixty cents (\$337.60) to Mary E. McDonough, mother of Daniel V. McDonough, three hundred thirty-seven dollars and sixty cents (\$337.60) to the widow of Daniel Buettner, the said Daniel V. McDonough and the said Daniel Buettner each being deceased members of the Forty-fifth General Assembly of Illinois.

§ 2. WHEREAS, An emergency exists, this Act shall be in force and take effect from and after its passage.

APPROVED June 4, 1907.

STATE ENTOMOLOGIST—OFFICE EQUIPMENT.

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| § 1. Duties—investigations—experiments —lectures—demonstrations—bulletins—report. | § 3. Advisory committee. |
| § 2. Appropriates \$25,000 per annum. | § 4. How drawn. |

(SENATE BILL NO. 230. APPROVED MAY 25, 1907.)

AN ACT to provide for the office of the State Entomologist, to define its duties, and to extend its equipment.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the State Entomologist to investigate, by himself or by his assistants, all insects dangerous or injurious in this State to agricultural and horticultural plants and crops, to live stock, to nursery trees and plants, to the products of the truck farm and the vegetable garden, to the shade trees and other ornamental vegetation of cities and towns, to the products of mills and the contents of warehouses, and to all other valuable property, and to investigate all insects in this State injurious or dangerous to the public health; and he shall conduct experiments with methods for the prevention, arrest, abatement and control of injuries to person and property by such insects, giving no preference in his investigations to one part of the State over another. He shall,

further, instruct the people of the State, by lecture and demonstration, as may in his judgment be practicable and necessary, in the best methods of preserving and protecting their property and their health against injuries by insects; and he shall prepare, from time to time, articles on the injurious and beneficial insects of Illinois, containing the results of his researches, which articles shall be published as bulletins of the Agricultural Experiment Station, and shall also be issued biennially in an edition of one thousand copies as his official report. He shall present to the Governor biennially an executive report describing the operations and publications of his office, together with a financial statement in detail.

§ 2. To carry out the provisions of this Act there is hereby appropriated the sum of twenty-five thousand dollars (\$25,000.00) per annum: *Provided*, that five thousand dollars (\$5,000.00) per annum, or so much thereof as may be necessary, shall be set aside for expenses incurred by the State Entomologist under the "Act to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits:" *And, provided, further*, that the work outlined in this section shall be carried out on lines agreed upon by the State Entomologist and an advisory committee to consist of the director of the Agricultural Experiment Station, two members to be appointed by the Illinois Farmers' Institute and two members to be appointed by the Illinois State Horticultural Society.

§ 3. The advisory committee herein named shall meet at such times and places as may be designated by the State Entomologist, or upon a request of a majority of the committee. They shall serve without compensation, except for expenses, to be paid out of the appropriation herein made.

§ 4. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sum herein appropriated, upon the order of the chairman of the board of trustees of the University of Illinois, countersigned by its secretary, and with the corporate seal of said university, and no installment subsequent to the first shall be paid by the Treasurer, nor warrant drawn therefor, until detailed accounts showing expenditures of the preceding installment have been filed with the Auditor of Public Accounts.

APPROVED May 25, 1907.

BANKS.

STATE BANKS.

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| <p>§ 1. Amends sections 4, 5, 10 and 11, act of 1887.</p> <p>§ 4. Organization of directors—oath—duties—annual meetings—vacancies—qualifications of directors—monthly meetings—penalty.</p> <p>§ 5. Certificate and permit of Auditor—recording— withholding.</p> | <p>§ 10. Total liabilities for money borrowed—limitations—loans—remedy—penalty.</p> <p>§ 11. Capital stock—impairment—proceedings to make good or wind up—receiver.</p> <p>§ 2. Submission of act to vote of the people—proclamation, etc.</p> |
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(HOUSE BILL NO. 522. APPROVED JUNE 3, 1907.)

AN ACT to amend sections four (4), five (5), ten (10) and eleven (11) of an Act entitled, "An Act concerning corporations with banking powers," approved June 16, 1887; submitted to a vote of the people at the November election, 1888, and adopted, as amended by an Act approved June 3, 1889; submitted to a vote of the people at the November election, 1890, and adopted, as amended, by an Act approved June 4, 1897, and ratified by the people at the election of November 8, 1898, and adopted, as amended, November 28, 1898.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections four (4), five (5), ten (10) and eleven (11) of an Act entitled, "An Act concerning corporations with banking powers," approved June 16, 1887; submitted to a vote of the people at the November election, 1888, and adopted, as amended by an Act approved June 3, 1889, submitted to a vote of the people at the November election, 1890, and adopted, as amended by an Act approved June 4, 1897, and ratified by the people at the election of November 8, 1898, and adopted, as amended November 28, 1898, be amended to read as follows:

§ 4. The directors so elected may proceed to organize by the election of one of their number as president, and may appoint the necessary officers and employes and fix their salaries to carry on the business of the bank or association and make by-laws (not inconsistent with this Act) for the government of the bank or association; and each director shall take and subscribe to an oath, such as the Auditor shall prescribe, of fealty to the bank or association of which he is director, and that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such bank or association, and will not knowingly violate or willingly permit to be violated any of the provisions of this Act; and that he is the owner in good faith and in his own right of the number of shares of stock required by this Act; and that same is not hypothecated or in any way pledged as security for any loan or debt. Such oath subscribed by the director making it and certified by a proper officer authorized to administer oaths, shall be immediately transmitted to the Auditor and shall be filed and preserved by him in his office. The directors shall cause to be kept suitable books

of record of all the transactions of the bank or association, and shall furnish to the Auditor lists of the stockholders and copies of any other records the Auditor may require. And there shall be an annual meeting of the stockholders for the election of directors each year on the first Monday in January, unless some other date shall be fixed by the by-laws of the association. Any omission to elect directors shall not impair any of the rights and privileges of the association or of any person in any way interested, but the existing directors shall hold office until their successors are elected and qualified, as in such cases may be by law provided. Vacancies may be filled by a two-thirds vote of the remaining directors.

Every director of any bank or association organized under the provisions of this Act must own in his own right, free of any lien or incumbrance, at least ten shares of the capital stock of such bank or association of which he is a director. Any director who ceases to be the owner of ten shares of the capital stock of such bank or association, or who becomes in any form disqualified, shall therefor vacate his place as such director.

The directors of any bank or association organized under the provisions of this Act shall hold regular meetings at least once each month, and there shall be present a quorum, as may be prescribed by the by-laws of such bank or association, approved by the Auditor of Public Accounts.

Any officer, director or employé of any bank or association organized under the provisions of this Act, who shall wilfully and knowingly subscribe to or make, or cause to be made, any false statement with intent to deceive any person or persons authorized to examine into the affairs of such bank or association, upon conviction thereof, shall be punished by imprisonment of not less than one year or more than ten years.

§ 5. When the directors have organized, as in section 4 of this Act, and the capital stock of such association shall have been all fully paid in and record of the same laid before the Auditor, he shall, by himself or some competent person of his appointment, make a thorough examination into the affairs of such association, and if satisfied the authorized capital [stock] has been paid in, and that the association has the full amount dedicated to the business, including proposed surplus, if any, and when they pay into the Auditor's office the reasonable expenses of such examination, he shall give them a written or printed certificate under seal authorizing them to commence the business designated in section 1 of this Act. And said certificate and the permit issued in accordance herewith, duly certified by said Auditor, shall be filed and recorded in the office for the recording of deeds in the county where such bank is organized, and the original or a certified copy thereof shall be evidence in all courts of the existence and authority of said corporation to do business. Upon the recording of said certificate and permit said bank shall be deemed fully organized and may proceed to business.

The Auditor may, in his discretion, withhold the issuing of the said certificate authorizing the commencement of business when he is

not satisfied as to the personal character and standing of the officers or directors elected or appointed, in accordance with sections three and four of this Act; or when he has reason to believe that the bank is organized for any purpose other than that contemplated by this Act.

§ 10. The total liabilities to any association, of any person or of any corporation or firm, for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed fifteen per cent of the amount of the capital stock of such association actually paid in and unimpaired and fifteen per cent of its unimpaired surplus fund.

Provided, however, that the total liabilities of any such person, company or firm, shall at no time exceed thirty per cent of the amount of capital actually paid in: *And, provided, further,* that undivided profits shall not be construed as a part of the surplus; but the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

Every such loan made in violation of the provisions hereof shall be due and payable according to its terms, and the remedy for the recovery of any money loaned in violation of the provisions hereof, or for the enforcement of any agreement, collateral or otherwise, made in connection with any such loan, shall not be held to be impaired, affected or prohibited by reason of such violation, but such remedy shall exist, notwithstanding the same. But every director of any such association who shall violate, or participate in, or assent to such violation, or who shall permit any of the officers, agents or servants of the association to violate the provisions hereof, shall be held liable in his personal and individual capacity for all damages which the association, its shareholders or any other person shall have sustained in consequence of such violation.

It shall not be lawful for any bank to loan to its president or to any of its vice presidents or its salaried officers or employes, or to corporations or firms, controlled by them, or in the management of which any of them are actively engaged, until an application for such loan shall have been first approved, both as to security and amount, by the board of directors.

§ 11. Banks or banking associations may be organized under the provisions of this Act in all cities, towns and villages with a minimum capital stock according to the population of such cities, towns and villages, as follows:

In all cities, towns and villages of not exceeding five thousand inhabitants, of twenty-five thousand dollars.

In all cities, towns and villages of over five thousand inhabitants and less than ten thousand inhabitants, of fifty thousand dollars.

In all cities, towns and villages of ten thousand inhabitants and less than fifty thousand inhabitants, of one hundred thousand dollars.

In all cities and towns of fifty thousand inhabitants or more, of two hundred thousand dollars.

Should the capital stock of any bank organized under this Act become impaired, the Auditor shall give notice to the president to have the impairment made good by assessment of the stockholders or a reduction of the capital stock of such bank, if the reduction should not bring the capital below the provisions of this section; and if the capital stock of said bank shall remain impaired for thirty days after notice by the Auditor, he shall have power, and it is hereby made his duty, to enter suit against each stockholder in the name of the People of the State of Illinois, for the use of said bank, for his or her *pro rata* proportion of such impairment, and when collected shall pay over the amount thereof to said bank; and the judgment in such case shall be for the amount claimed, with all costs and reasonable attorney's fees, which fees shall be fixed by the court; or, if it appears from the reports made to the Auditor under this Act, or from any examination made by or on behalf of the Auditor, that the conditions of any bank organized under this Act are such that the impairment of the capital stock cannot be made good, or that the business of any such bank is being conducted in an illegal, fraudulent or unsafe manner, he may in his discretion, without having taken the steps provided in this section to make good the impaired capital stock, through the Attorney General, file a bill in the circuit court of the county in which said bank is located, in the name of the People of the State of Illinois against said bank and its stockholders for the dissolution of the corporation and for an injunction, and for the appointment of a receiver for the winding up of the affairs of the bank. And said court, upon presentation of said bill, and upon being made satisfied that the capital stock of said bank has become impaired to such an extent that it cannot be made good, or that such bank is being conducted in an illegal, fraudulent or unsafe manner, shall immediately appoint a competent and disinterested person as such receiver, and shall determine and fix his bonds and shall prescribe his duties. And said cause shall proceed as other cases in equity. And no bill shall be filed nor proceedings commenced in any court for the dissolution or for the winding up of the affairs or for the appointment of a receiver for any such banking corporation on the grounds of insolvency or impairment of the capital stock of such banking corporation or upon the ground that such bank is being conducted in an illegal, fraudulent or unsafe manner, except in the name and by the authority of the Auditor of Public Accounts, represented by the Attorney General. When it shall be ascertained, in the course of the administration of the estate of a bank in the hands of a receiver that the assets of the bank are insufficient to discharge the entire liability of such bank to its creditors, and when the amount of such deficiency is determined, the court may, in its discretion, direct the receiver to proceed to enforce the liability of the stockholders to creditors provided in section 6 of this Act; and when so directed, such receiver shall have the power, and it shall be his duty, to take such action, by suit or otherwise, as the court may direct, to enforce such liability for the benefit of the creditors and to disburse to creditors the amounts collected thereon, in the same manner as disbursements are made to creditors of the assets of the bank.

Such receiver shall file with the Auditor a copy of each report which he makes to the court appointing him, in order that the said Auditor may have at his command a complete record of all State institutions whose business has been so liquidated.

At any time, whenever a majority in number and amount of the creditors of any such bank or association, after any such receiver shall have been appointed, shall petition the court for the appointment of any person nominated by them as receiver, who is a reputable person and elector of the county in which such bank or association is located, it shall be the duty of the court to make such appointment, and all the rights and duties of his predecessors shall at once devolve upon such appointee.

§ 2. This Act shall be submitted to a vote of the people for their ratification, according to article XI, section 5, of the constitution of this State, at the next general election, and the question shall be "For the amendment of sections 4, 5, 10 and 11 of the General Banking Law" or "Against the amendment of sections 4, 5, 10 and 11 of the General Banking Law," and it shall be the duty of the officials now required by law to print and distribute ballots for use in elections to prepare and distribute ballots for such submission, such ballots to be prepared, printed and distributed in accordance with the provisions of an Act entitled, "An Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, and all amendments thereto; and to do all such other acts as are required by law; and if approved by a majority of all the votes cast at such election for or against such law, the Governor shall thereupon issue his proclamation that this Act is then in force.

APPROVED June 3, 1907.

BASTARDY.

EXAMINATION OF DEFENDANT.

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| § 1. Amend sections 1 and 3 of act of 1872. | § 3. Examination—bond. |
| § 1. Complaint by mother. | § 2. Emergency. |

(SENATE BILL NO. 11. APPROVED FEBRUARY 11, 1907.)

AN ACT to amend sections one and three of an Act entitled, "An Act concerning bastardy," approved April 3, 1872, and in force July 1, 1872.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one (1) and three (3) of an Act entitled, "An Act concerning bastardy," approved April 3, 1872, and in force July 1, 1872, be and the same are hereby amended so as to read as follows:

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when an unmarried woman who shall be pregnant or delivered of a child which by law would be deemed a bastard, shall make complaint to a justice of the peace or judge of a municipal court in the county where she may be so pregnant or delivered, or the person accused may be found, and shall accuse, under oath or affirmation, a person with being the father of such child, it shall be the duty of such justice or judge to issue a warrant against the person so accused and cause him to be brought forthwith before him, or in his absence, any other justice of the peace or judge in such county.

§ 3. Upon his appearance, it shall be the duty of said justice or judge to examine the woman, upon oath or affirmation, in the presence of the man alleged to be the father of the child, touching the charge against him. The defendant shall have the right to controvert such charge, and evidence may be heard as in cases of trial before the county court. If the justice or judge shall be of the opinion that sufficient cause appears, it shall be his duty to bind the person so accused in bond, with sufficient security, to appear at the next county court to be holden in such county, to answer such charge, to which court said warrant and bond shall be returned, except that in the county of Cook, where said warrant and bond shall be returned to the criminal court of Cook county.) On neglect or refusal to give bond and security, the justice or judge shall cause such person to be committed to the jail of the county, there to be held to answer the complaint.

§ 2. WHEREAS, An emergency exists, therefore this Act shall take [effect] and be in force from and after its passage.

APPROVED Feb. 11, 1907.

CEMETERIES.

PUBLIC GRAVEYARDS.

§ 1. Amends section 1, act of 1879.

§ 2. Emergency.

§ 1. Election of trustees.

(HOUSE BILL NO. 184. APPROVED MARCH 22, 1907.)

AN ACT to amend section one of an Act entitled, "An Act in relation to the control of public graveyards," approved May 29, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an Act entitled, "An Act in relation to the control of public graveyards," approved May 29, 1879, in force July 1, 1879, be amended so as to read as follows:

§ 1. That public graveyards in this State, not under the control of any corporation, sole organization or society, and located within the limits of cities, villages, town, townships or counties not under

township organization, shall and may be controlled or vacated by the corporate authorities of such city, village, town, township or county, in such manner as such authorities may deem proper, and in the case of towns, such control may be vested in three trustees. Said trustees shall be elected by the voters of such town at the next annual town meeting therein, and their term of office shall be one, two and three years, respectively. Immediately after their election, said trustees shall determine by lot which of them shall hold the one year term of office, which the two year term and which the three year term. At each annual town meeting succeeding the next annual town meeting in such town, there shall be elected one cemetery trustee, whose term of office shall be for three years, or until his successor is elected and qualified.

§ 2. WHEREAS, An emergency exists, this Act shall take effect from and after its passage.

APPROVED March 22, 1907.

CHARITIES.

ASYLUM FOR INCURABLE INSANE—NAME CHANGED, ETC.

§ 1. Amends sections 1, 4, 5, 6, 7 and 8, act of 1895.

§ 1. Name changed to "Illinois General Hospital for Insane."

§ 4. Medical superintendent.

§ 5. Inspection.

§ 6. Transfer of incurable insane.

§ 7. Incurable insane from counties.

§ 8. Expenses of transfer.

(SENATE BILL NO. 482. APPROVED JUNE 3, 1907.)

AN ACT to amend sections 1, 4, 5, 6, 7 and 8 of an Act entitled, "An Act to provide for the location, erection, organization and management of an asylum for the incurable insane, and making an appropriation for the construction of necessary buildings," approved June 21, 1895, in force July 1, 1895.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1, 4, 5, 6, 7 and 8 of an Act entitled, "An Act to provide for the location, erection, organization and management of an asylum for the incurable insane, and making an appropriation for the construction of necessary buildings," approved June 21, 1895, in force July 1, 1895, be amended so as to read as follows:

§ 1. That there be and is hereby created and established a hospital for the proper care and custody of the incurable insane of the State, to be known as the "Illinois General Hospital for the Insane." The said hospital shall be located upon grounds hereafter to be selected and located by a commission of three citizens of the State, to be appointed by the Governor. It shall be the duty of said commission to locate said buildings in the most favorable situation in the State, having in view the best interests of the State.

§ 4. When the hospital shall be ready for occupancy the commissioners shall appoint a medical superintendent of the hospital, who shall be

a well educated physician, experienced in the treatment of the insane, whose duties shall be the same as in the several hospitals for the insane in this State, as provided by law.

§ 5. The said hospital shall be subject to the inspection of the State Board of Commissioners of Public Charities, in the same manner as now provided by law for their inspection of the several charitable institutions of this State, and their powers and duties with relation to such hospital shall be the same.

§ 6. When the Illinois General Hospital for the Insane is opened for the reception of patients, the medical superintendents of the Northern Hospital for the Insane at Elgin, the Illinois Eastern Hospital for the Insane at Kankakee, the Illinois Central Hospital for the Insane at Jacksonville and the Illinois Southern Hospital for the Insane at Anna shall, with the consent of the board of trustees or board of commissioners of their respective institutions, proceed to transfer to said Illinois General Hospital for the Insane all incurable insane who may be in their respective institutions.

§ 7. At any time after the Illinois General Hospital for the Insane is opened for the reception of patients, it shall be the duty of the chairman of the board of supervisors in counties under township organization, and the chairman of the board of commissioners in counties not under township organization, to order transferred all incurable insane patients confined in their almshouses in their respective counties: *Provided, first*, that all said patients shall have been discharged from either of the insane hospitals of the State of Illinois as incurable insane.

§ 8. The expenses of the transfer of any incurable insane persons from either of the insane institutions of the State shall be paid out of any funds in the State treasury not otherwise appropriated. The expenses of transferring incurable insane persons from either the county almshouses located in any of the counties of the State shall be paid by the respective counties sending such incurable insane patients to said Illinois General Hospital for the Insane.

APPROVED June 3, 1907.

CHILDREN—COUNTY DETENTION HOMES.

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| § 1. Power and authority of county board upon adoption of act. | § 5. Additional tax levy. |
| § 2. Employés and facilities. | § 6. How act adopted—form of ballot—record of adoption—tax levy. |
| § 3. Superintendent and matron—appointment—salary—employés—supplies and repairs. | § 7. How act abandoned—form of ballot—record of abandonment. |
| § 4. Duties of superintendent or matron—record of children—expenditures—annual report. | § 8. Temporary commitment. |

(SENATE BILL NO. 319. APPROVED MAY 13, 1907.)

AN ACT to authorize county authorities to establish and maintain a Detention Home for the temporary care and custody of dependent, delinquent or truant children, and to levy and collect a tax to pay the cost of its establishment and maintenance.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the board of county commis-

sioners, or the board of supervisors, as the case may be, in any county in this State, shall have the power and authority to locate, purchase, erect, lease or otherwise provide and establish, and also to support and maintain, a Detention Home for the temporary care and custody of dependent, delinquent or truant children, and to levy and collect a tax to pay the cost of its establishment and maintenance in accordance with the terms and provisions of this Act: *Provided*, this Act be adopted by the legal voters of such county, as hereinafter provided.

§ 2. Such Detention Home shall be so arranged, furnished and conducted that, as near as practicable for their safe custody, the inmates thereof shall be cared for as in a family home and public school. To this end the employes provided for and selected to control and manage such home shall consist of a discreet woman of good moral character, or a man and woman of good moral character, who shall be respectively designated as "superintendent" and "matron" of the Detention Home, and shall reside therein, and at least one of whom shall be competent to teach and instruct children in branches of education similar to those embraced in the curriculum of the public schools of the county up to and including the eighth grade, and such help or assistance as in the opinion of the county commissioners, or board of supervisors, as the case may be, shall deem necessary to the proper care and maintenance of such home. Such home shall be supplied with all necessary and convenient facilities for the care of the inmates as herein provided.

§ 3. The superintendent and matron shall be designated and appointed by the county judge, to serve during his pleasure, and shall receive such salary, payable in monthly installments, as the board of supervisors, or board of commissioners, as the case may [be], shall provide and fix such appointments to be approved by a majority vote of the county board of [or] county commissioners, as the case may be, at the next meeting after such appointment; and if such appointment be not confirmed, the appointees shall receive no compensation from the county for services rendered after his or her appointment is disapproved. All other necessary employes for the conduct, care and maintenance of said home shall be selected, named, appointed and confirmed in like manner, upon such salaries as shall be fixed and approved by the county commissioners, or board of supervisors of the county, as the case may be. The supplies or repairs necessary to maintain, operate and conduct said home, shall be furnished upon the requisition of its superintendent to the chairman of such committee as may be designated by the county commissioners, or board of supervisors of the county, as the case may be, and the bills therefor shall be audited, passed upon and paid as other bills for supplies furnished for county institutions.

§ 4. It shall be the duty of the superintendent or matron to receive and detain temporarily all children who are committed to the home by the court, until further order of the court of said home, to keep a complete record of all children committed thereto, which record shall contain the name, residence, address and age of each child and the

cause or reason of its detention, the length of time detained, the offense alleged to have been committed by such child, if any, and other useful data or information that may be directed to be kept by the county judge of such county. A record shall also be kept by such superintendent of all expenditures made by the county for the care and maintenance of such home. An annual report to the county commissioners, or board of supervisors, as the case may be, shall be made to Dec. 1st in each year by the superintendent, and he shall file a copy thereof with the county clerk of the county, which shall contain an itemized statement of all such expenses necessary to maintain such home, together with the number of inmates therein during each month. The county commissioners or board of supervisors, as the case may be, or the county judge of said county, may at any time demand, in which case it shall be the duty of the superintendent to furnish, such information as said county commissioners, or board of supervisors, as [or] county judge may require concerning the conduct, maintenance or inmates of the home.

§ 5. The board of county commissioners, or the board of supervisors, as the case may be, of any county, shall have the power and authority, in addition to taxes levied and collected for other county purposes, and in addition to the 75 cents per \$100.00 valuation limit of taxation, now provided for county purposes, to annually levy and collect a tax not exceeding one mill on the dollar valuation upon all property within the county, for the purpose of purchasing, erecting, leasing or otherwise providing, establishing, supporting and maintaining such Detention Home: *Provided*, this Act shall be adopted and the levy and collection of such tax authorized by the legal voters of the county in the manner provided by section 6 of this Act.

§ 6. The electors of any county may adopt this Act in the following manner: Whenever the legal voters of such county to the number of 25 per cent of the votes cast at the last general election shall petition the county judge of such county, not less than thirty days before any general election in such county, to submit the proposition whether or not the electors shall adopt this Act, it shall be the duty of the county judge to submit such proposition at the next general election. The proposition so to be voted for shall be on a separate ballot in plain prominent type, and be prepared and provided for that purpose in the same manner as other ballots.

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| For adoption of the Act to authorize county authorities to establish and maintain a Detention Home for dependent, delinquent or truant children, and to levy and collect a tax of not exceeding one mill on the dollar valuation, to pay the cost of its establishment and maintenance. | Yes. | |
| | No. | |

If the majority of the votes cast for and against such proposition shall be for such proposition, the Act shall be adopted, and the county

judge shall enter of record an order declaring this Act in force in such county, and the tax provided for in the Act shall thereafter be annually levied and collected in such county for the purposes specified in this Act until such time as the legal voters of the county shall abandon this Act in manner provided in section 7 of this Act.

§ 7. The electors of any county which shall have adopted this Act as provided by section 6 thereof, may abandon and repeal this Act in the following manner: Whenever the legal voters of such county to the number of 25 per cent of the votes cast at the last general election in such county shall petition the county judge, not less than thirty days before any general election, to submit the proposition whether or not the electors of such county shall abandon this Act, it shall be the duty of the county judge to submit such proposition at the next general election. The proposition so to be voted for shall be on a separate ballot in plain, prominent type, and be prepared and provided for that purpose in the same manner as other ballots.

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| To abandon an Act to authorize county authorities to establish and maintain a Detention Home for dependent, delinquent or truant children, and to discontinue the levy and collection of a tax of not exceeding one mill on the dollar valuation to pay the cost of establishment and maintenance. | Yes. | |
| | No. | |

If a majority of the votes cast for and against such proposition shall be for such proposition to abandon this Act, the Act shall be deemed abandoned, and the county judge shall enter of record an order declaring this Act abandoned in such county.

§ 8. Any court acting under and in pursuance of an Act entitled, "An Act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, or any amendments thereto, may commit any child coming within the terms of said Act to said home temporarily.

APPROVED May 13, 1907.

CHILDREN IN FAMILY HOMES—VISITATION.

§ 1. Amends section 3, act of 1905.

§ 3. Increases salary of state agent—provides for four visitors and other employees.

(SENATE BILL NO. 475. APPROVED MAY 25, 1907.)

AN ACT to amend section three (3) of an Act entitled "An Act to provide for the visitation of children placed in family homes." (Approved May 13, 1905, in force July 1, 1905.)

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section three (3) of an Act

entitled "An Act to provide for the visitation of children placed in family homes," approved May 13, 1905, in force July 1, 1905, be amended so as to read as follows:

§ 3. It shall be the duty of the State Board of Public Charities to appoint a State agent who shall receive a salary of \$1,500 per annum, in addition to his actual and necessary traveling expenses incurred in the performance of his official duties; and to appoint such number of visitors not exceeding four and pay such compensation for such visitors, as shall be approved by the Governor, such compensation to be paid in addition to the actual and necessary traveling expenses incurred by said visitors in the performance of their official duties. These visitors shall be discreet men and women selected with special view to their wisdom and fitness for visiting children and shall be appointed by civil service procedure and shall be subject to the provisions of the State civil service law. The State Board of Charities is also hereby authorized and empowered to appoint such other employes as are necessary to perform the clerical work and other office work of the State agent and to pay said employes from the incidental expense appropriation made for the department for the visitation of children.

APPROVED May 25, 1907.

INSANE—CARE AND CURATIVE TREATMENT.

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| § 1. State to be divided into districts. | § 9. Order for transfer of county patients to another district—removals. |
| § 2. Apportionment—copy—notice—changes. | § 10. Recommendations for additional buildings. |
| § 3. Vacancies in asylums—removal from counties. | § 11. Intent and meaning of act. |
| § 4. Additional buildings on grounds of each state asylum. | § 12. Annual report to Governor. |
| § 5. Disposition of insane patients in counties. | § 13. Certain counties exempted—proviso. |
| § 6. Transportation of patients—trained attendant—expenses. | § 14. Counties of over 150,000. |
| § 7. Pauper and indigent insane. | § 15. Word "insane" defined. |
| § 8. Transfer to another state asylum—emergencies. | § 16. Return or commitment of insane to county, etc. |
| | § 17. Support of inmates. |

(SENATE BILL NO. 85. APPROVED JUNE 4, 1907.)

AN ACT to promote the care and curative treatment of the insane.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* [That] the State Commissioners of Public Charities are hereby required to divide the State into districts, for the purpose of regulating the admission of patients into State hospitals for the insane. The said commissioners shall have power to change the boundaries of such districts, from time to time, as may be necessary or expedient: *Provided*, that any regulations which they may make on this subject shall not have the force of law until after they shall have been submitted to the Governor and approved by him.

§ 2. Whenever such division or regulation shall have been made and approved as aforesaid, the said State commissioners shall forthwith make and sign a report to that effect, designating the boundaries of and the counties included within each district and the number of patients apportioned to each asylum, and file the same with the Secretary of State, and send a copy thereof to the trustees and superintendent of each asylum, and to each county judge, and to the clerk of each county in the State, to be filed in his office, and thereafter the State shall for all the purposes of this Act be deemed to be divided into such districts. Whenever any change in such classification or regulation shall thereafter be made and approved, a like report shall be made and filed, and a copy thereof sent to the county judges and to the clerks of all counties affected by such change, as well as to the trustees and superintendents of the respective State asylums.

§ 3. In order to carry out the intention of this Act, the State Commissioners of Public Charities are directed to ascertain from time to time what vacancies, if any, exist in any one or more of the State insane asylums, and said commissioners are hereby authorized and required to forthwith cause the removal to such asylum or asylums, from some one or more of the counties of the district to which said asylum has been assigned, under the provisions of this Act, as many of the insane patients in county asylums and almshouses as can be accommodated. Such removal to be made pursuant to the provisions of section 6 of this Act.

§ 4. To provide for the insane of the district in which each State asylum is situated, should the existing accommodations not be sufficient for this purpose, there shall be erected on the grounds of such asylum a sufficient number of buildings of a moderate size, each being designed to accommodate not less than ten nor more than one hundred and fifty patients. It shall be the duty of the trustees of each State asylum, within ninety days after they shall have received a copy of the report of the commissioners of public charities, as provided in section 2, to cause to be prepared plans, specifications and estimates of the cost and equipment of such buildings, and to submit same to said commissioners of public charities, and said commissioners shall thereupon proceed to examine said plans, specifications and estimates, and shall have power to summon before them the superintendent of the asylum, on whose grounds the said buildings are proposed to be erected, for explanations and suggestions in regard to the same. When the plans of any proposed building or buildings shall have been approved by said commissioners, and appropriations for the purpose shall have been provided by the Legislature, the trustees shall cause to be erected and equipped, at the earliest practicable day, consistent with the best interests of the State, the building or buildings so proposed, and the cost of the same, including the necessary equipment for heating, lighting, ventilation, fixtures and furniture, shall in no case exceed the amount of the estimates therefor approved by said commissioners. The cost of said buildings and equipment shall be paid by the Treasurer of the State on warrants of the Auditor from the sums appropriated by the Legislature for this purpose, upon vouchers of the trustees of the asylum

where the buildings are to be erected; and these vouchers shall be made in accordance with the forms prescribed by the Auditor. Upon the completion of said buildings, the trustees erecting the same shall forthwith in writing certify this fact to the State Commissioners of Public Charities.

§ 5. After receiving such certificate from said trustees, the said State Commissioners of Public Charities shall ascertain whether the buildings are ready for occupancy, and if they find them to be ready they shall forthwith direct the superintendents of the county asylums or almshouses in each county within the district, in which said State asylum so certified is situated, to send such number of insane patients to said State asylum as can be therein accommodated. Each of the State asylums for the insane shall receive patients, whether in an acute or chronic condition of insanity, from the district in which the asylum is situated, subject to the power of removal from one State asylum to another under the provisions of section eight of this Act.

§ 6. All county authorities sending a patient to any asylum under the provisions of this Act, shall, before sending him, see that he is in the state of bodily cleanliness and is comfortably clothed, in accordance with regulations to be prescribed by the State Commissioners of Public Charities. The said patients shall be sent by said county authorities in the manner prescribed by said State Commissioners of Public Charities to the State asylum within the district embracing said county at the expense of the State, and any State asylum to which such patient is to be sent may be required by and under the regulations made by said State Commissioners of Public Charities, to send a trained attendant to bring the patient to the asylum. In all cases there shall be provided a female attendant for every female patient, unless she be accompanied by her husband, father, brother or son. After said patient or patients has or have been delivered to the said State asylum, the care and custody of the county authorities over said insane person shall cease. The bills for the reasonable expenses incurred in the transportation of patients to the State asylums, after they have been approved in writing by the State Commissioners of Public Charities, shall be paid by the treasurer of the asylum on warrants properly drawn from the funds provided for the support of the State asylum.

§ 7. After sufficient accommodations shall have been provided in State institutions for all the pauper and indigent insane of all the counties of the State, the cost of clothing and other incidental expenses of county insane patients in State insane asylums shall not be a charge upon any county after the first of January next ensuing, but the cost of the same shall be paid out of the funds provided by the State for the support of the insane. It shall be the duty of the State Commissioners of Public Charities to determine whether the accommodations are sufficient within the purview of this section, and to hold a meeting for that purpose and if satisfied of the sufficiency of such accommodations, to make a certificate to that effect and file the same with the Secretary of State and send a copy thereof to the trustees and superintendents of

each State and county asylum, and to each county judge, and to the clerk of each county in the State, to be filed in his office. Until such certificate is made and filed the said cost of clothing and other incidental expenses of county insane patients shall continue to be a charge upon the county as under existing laws.

§ 8. In case the buildings of any State asylum shall at any time become overcrowded in carrying out the provisions of this Act, or the number of said buildings be reduced by fire or other casualty, the State Commissioners of Public Charities hereby are empowered in their discretion to cause the transfer of patients therefrom to another State asylum, where they can be conveniently received, or to make, in special emergencies temporary provision for their care, and all expenditures under this section shall be chargeable to the State and paid out of any appropriation made to carry out the provisions of this Act.

§ 9. Whenever in any district, established under the provisions of this Act, the buildings now existing and erected as herein provided for the use of the insane shall be filled with patients to their full capacity, the trustees thereof shall not receive further patients until vacancies occur, or new or additional accommodations are provided, and then only to the extent of the accommodations supplied. In any such case the condition of the asylum, so far as pertains to the purposes of this section, shall be certified by the trustees thereof to the State Commissioners of Public Charities, whereupon said commissioners shall, in compliance with rules to be made by said commissioners and communicated from time to time to the county judges, county clerks, and the trustees of the respective State asylums, make an order for the transfer of any pauper or indigent patient from the district in which there are no suitable accommodations to one, if any, in which suitable accommodations for his care exist. Preference is to be given to an asylum in an adjoining rather than to one in a remote district. Such order shall be executed in a mode prescribed by the State Commissioners of Public Charities. The expenses of the transfer of said pauper patients to said asylums beyond the limits of the district where the patient is regularly to be cared for, shall be chargeable to the State, and the bills for the same, when approved by the State Commissioners of Public Charities, shall be paid by the Treasurer of the State on the warrants of the Auditor out of any moneys appropriated to carry out the provisions of this Act. In case any insane person, his relatives, guardians or friends may desire that he may become an inmate of any State asylum situated beyond the limits of the district where he resides, and there be sufficient accommodation there to receive him, he may be received there in the discretion of the State Commissioners of Public Charities and the superintendent of such asylum. Any expense of removal, in such case, must be borne by the said insane persons' guardians, relatives or friends, as the case may be.

§ 10. The State Commissioners of Public Charities, whenever they shall deem it necessary and expedient, by reason of overcrowding, or in order to prevent the same, shall, in their annual report to the Governor recommend the erection of such additional buildings on the

grounds of any or all State asylums then existing as shall in the judgment of said commissioners, provide sufficient accommodations for the immediate prospective wants of the insane of this State; or, if said commissioners deem it more expedient, they shall recommend the establishment of another State asylum or asylums in such part of the State as in their judgment will best meet the requirements of the insane.

§ 11. It is the intent and meaning of this Act that, when and after the State shall have been divided into districts, as herein provided, and sufficient accommodations in State institutions shall have been provided for all the insane of all the counties of the State, and certified, as set forth in the seventh section of this Act, no insane person shall be permitted to remain under county care, but that all the insane who are now, or who may hereafter become a public charge, shall be transferred to the respective State asylums without unnecessary delay, there to be regarded and known as the wards of the State, and to be wholly supported by the State.

§ 12. The State Commissioners of Public Charities shall hereafter furnish the Governor, on or before the first day of December in each year, an estimate of the probable number of patients who will become inmates of the respective State asylums during the year beginning January first ensuing, and the cost of the additional buildings and equipment, if any, which will be required to carry out the provisions of this Act. After the certificate as to sufficiency of accommodation shall have been filed as provided by section seven of this Act, the trustees of each of the State asylums shall, on or before the first day of December in each year, furnish to the Governor an estimate of the cost of maintaining the probable number of patients who will be inmates of the respective asylums during the year beginning January first next ensuing. On the basis of these estimates the Governor shall, in his next annual message to the legislature, state his estimate of the amount to be provided for by the State for the support of such insane persons, and for the erection and equipment of such buildings as may be recommended.

§ 13. The foregoing provisions of this Act shall not apply to or include counties of over one hundred and fifty thousand inhabitants, until all the counties of this State having a population of less than 150,000 shall have been provided for and except as provided in the succeeding section of this Act, nor shall it be construed to affect those provisions of existing statutes by which such counties aforesaid are now permitted to send their acute and chronic insane to State asylums.

§ 14. Whenever the counties of over one hundred and fifty thousand inhabitants, or any one of them, desire to be included in the provisions of this Act, application may be made in writing to the Governor, by the respective county authorities in either of said counties, to transfer any or all of such buildings, land, appurtenances and equipment as are used by them as county insane asylums to the State for the same purpose. The Governor shall thereupon transmit said application to the State Commissioners of Public Charities, whereupon said commissioners shall examine into the condition of such buildings, land, appurtenances and equipment, with a view to ascertain whether such prop-

erty is suitable for the purposes of a State asylum for the insane; and shall report its findings and conclusion to the Governor. Whereupon, if the Governor shall approve the same, said county insane asylum shall be converted into a State asylum for the insane, the insane persons in said county asylums, and those received thereafter, shall be provided for in accordance with the provisions of this Act.

§ 15. The word "insane" as used in this Act, shall be construed to mean any person who, by reason of unsoundness of mind, is incapable of managing and caring for his own estate, or is dangerous to himself or others, if permitted to go at large, or is in such condition of mind or body as to be a fit subject for care and treatment in a hospital or asylum for the insane: *Provided*, that no person, idiot from birth, or whose mental development was arrested by disease or physical injury occurring prior to the age of puberty, and no person who is afflicted with simple epilepsy shall be regarded as insane, unless the manifestations of abnormal excitability, violence or homicidal or suicidal impulses are such as to render his confinement in a hospital or asylum for the insane a proper precaution to prevent him from injuring himself or others.

§ 16. No insane person now or hereafter, under the care of any State asylum in this State, shall be returned or committed to the care of any county insane asylum or almshouse, or to any county, town or city authorities; and the said county, town and city authorities are hereby forbidden to receive any such patient who may be returned or committed to them in violation of this section. The foregoing provisions of this section shall not apply to the counties, or to the county authorities of the counties named in section thirteen of this Act, except as to such county or counties, or the authorities thereof, as shall have transferred to the State their county insane asylums as provided in section thirteen of this Act.

§ 17. The State Commissioners of Public Charities shall secure from relatives or friends, who are liable or may be willing to assume the costs of support of inmates of State hospitals supported by the State, reimbursement, in whole or in part, of the money expended for such support; said commissioners may appoint agents, whose duty it shall be to secure from relatives and friends who are liable therefor, or who may be willing to assume the costs of the support of any such inmates, reimbursement, in whole or in part, of the money so expended. The compensation of each agent shall not exceed five dollars a day and the necessary traveling and other incidental expenses actually incurred by him to be approved by the Auditor of Public Accounts.

The said commissioners may fix a rate to be paid for the support of the inmates of State hospitals by the relatives liable for such support, or by those not liable for such support but willing to assume the costs thereof, but such rate shall be sufficient to cover the proper proportion of the cost of maintenance and necessary repairs and improvements.

APPROVED June 4, 1907.

JUVENILE COURTS—PROBATION OFFICERS.

§ 1. Amends section 6, of act of 1899.

§ 6. Probation officers in counties of less than 500,000 inhabitants.

(HOUSE BILL NO. 53. APPROVED APRIL 19, 1907.)

AN ACT to amend section six (6) of an Act entitled, "*An Act to regulate the treatment and control of dependent, neglected and delinquent children,*" approved April 21, 1899, in force July 1, 1899, and as amended by an Act approved May 13, 1905, in force July 1, 1905.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six (6) of an Act entitled, "*An Act to regulate the treatment and control of dependent, neglected and delinquent children,*" approved April 21, 1899, in force July 1, 1899, and as amended by an Act approved May 13, 1905, and in force July 1, 1905, be and the same is hereby amended so as to read as follows:

§ 6. PROBATION OFFICERS.] The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the court; it shall be the duty of the said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interest of the child when the case is heard; to furnish to the court such information and assistance as the judge may require; and to take such charge of any child before and after trial as may be directed by the court: *Provided, however,* that in counties having over five hundred thousand population, the judges of the circuit court, by rule to be entered of record, shall determine a number of probation officers, including one head probation officer, to be employed during each year, who shall be paid a suitable compensation for their services. The head probation officer shall have charge and control of all other probation officers, subject to the direction of the court. The judges of said court shall notify the president of the board of county commissioners or supervisors of said county, as the case may be, of the number of said probation officers so determined, who are to be paid as herein provided; and said probation officers, including the head probation officer, as aforesaid, shall be appointed in the same manner and under the same rules and regulations as other officers or employes in the said county under the board of commissioners or supervisors of the county, as the case may be, and shall be paid a suitable compensation by the county for their services, the amount thereof to be determined by such board of commissioners or supervisors, as the case may be: *Provided, further,* that in counties having a population of less than five hundred thousand (500,000), the county judge of any such county shall have the authority to designate some suitable person to act as

probation officer, during the pleasure of the court; and such probation officer shall be paid a suitable compensation for his services, such compensation to be fixed by the board of county commissioners, or board of supervisors of such county, as the case may be, such compensation to be paid out of the county treasury by such county, monthly, upon certification by the county judge of such county. Such board of county commissioners or board of supervisors of any such counties may, if they deem it necessary or advisable, upon recommendation of the county judge, provide for the employment of additional probation officers, and shall have like authority to fix their compensation; and if such additional probation officers are authorized, as aforesaid, the same shall be appointed by the county judge of such county, and be paid out of the county treasury, monthly, upon proper certification of such county judge. Such probation officers shall have the same powers and perform the same duties as other probation officers under the provisions of this Act. Nothing herein contained, however, shall be held to limit or abridge the power of the judge or judges so designated under section 3 of this Act to hear cases coming under this Act, to appoint persons or probation officers whom said judge or judges may see fit, and who shall serve without pay for such services as probation officers.

APPROVED April 19, 1907.

JUVENILE COURTS—REVISION.

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| § 1. Amends title, and sections 1, 4, 5, 7, 8, 9, 15 and 22, and adds nine sections, act of 1899. | § 9b. Placing in hospital, etc. |
| § 2 [1]. Definition. | § 9c. Authority of guardian. |
| § 4. Petition to court. | § 9d. Return to home on probation. |
| § 5. Summons. | § 9e. Report—citation into court. |
| § 7. Dependent and neglected children. | § 15. Adoption of child. |
| § 8. Guardianship. | § 22. Support of child. |
| § 9. Disposition of delinquent children. | § 23. Assignment of wages, etc. |
| § 9a. Process against delinquent child. | § 24. Interpretation. |
| | § 25. Partial invalidity of act. |
| | § 26. Cases reviewed by writ of error. |

(HOUSE BILL NO. 484. APPROVED JUNE 4, 1907.)

AN ACT to amend an act entitled, "An Act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 1, 1899, in force July 1, 1899, as amended by an act approved May 11, 1901, in force July 1, 1901, and as further amended by an act approved May 16, 1905, in force July 1, 1905, by amending the title and sections 1, 4, 5, 7, 8, 9, 15, and 22 thereof, and by adding thereto nine (9) new sections to be known as sections 9a, 9b, 9c, 9d, 9e, 23, 24, 25 and 26.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That an act entitled, "An Act to regulate the treatment and control of dependent, neglected and de-

linquent children," approved April 21, 1899, in force July 1, 1899, as amended by an act approved May 11, 1901, in force July 1, 1901, and as further amended by an act approved May 16, 1905, in force July 1, 1905, be and it is hereby amended so that the title thereof and nine (9) new sections which are hereby added to said act to be known as sections 9a, 9b, 9c, 9d, 9e, 23, 24, 25 and 26 and sections 1, 4, 5, 7, 8, 9, 15 and 22 of said act shall read as follows:

The title of this act shall read as follows: An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, and to provide for the treatment, control, maintenance, adoption and guardianship of the person of such children.

§ 2. [1]. That all persons under the age of twenty-one (21) years, shall, for the purpose of this Act only, be considered wards of this State, and their persons shall be subject to the care, guardianship and control of the court as hereinafter provided.

For the purpose of this Act, the words "dependent child" and "neglected child" shall mean any male child who while under the age of seventeen years or any female child who while under the age of eighteen years, for any reason, is destitute, homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or habitually begs or receives alms; or is found living in any house of ill-fame or with any vicious or disreputable person; or has a home which by reason of neglect, cruelty or depravity, on the part of its parents, guardian or any other person in whose care it may be, is an unfit place for such a child; and any child who while under the age of ten (10) years is found begging, peddling or selling any articles or singing or playing any musical instrument for gain upon the street or giving any public entertainments or accompanies or is used in aid of any person so doing.

The words "delinquent child" shall mean any male child who while under the age of seventeen years or any female child who while under the age of eighteen years, violates any law of this State; or is incorrigible, or knowingly associates with thieves, vicious or immoral persons; or without just cause and without that [the] consent of its parents, guardian or custodian absents itself from its home or place of abode, or is growing up in idleness or crime; or knowingly frequents a house of ill-repute; or knowingly frequents any policy shop or place where any gaming device is operated; or frequents any saloon or dram shop where intoxicating liquors are sold; or patronizes or visits any public pool room or bucket shop; or wanders about the streets in the night time without being on any lawful business or lawful occupation; or habitually wanders about any railroad yards or tracks or jumps or attempts to jump on to [any] moving train; or enters any car or engine without lawful authority; or uses vile, obscene, vulgar, profane or indecent language in [any] public place or about any school house; or is guilty of indecent or lascivious conduct; any child committing any of these acts herein mentioned shall be deemed a delinquent child and shall be cared for as such in the manner hereinafter provided.

A disposition of any child under this Act or any evidence given in such cause, shall not, in any civil, criminal or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purposes whatever, except in subsequent case [cases] against the same child under this Act. The word "child" or "children" may be held to mean one or more children, and the word parent or parents may be held to mean one or both parents, when consistent with the intent of this Act. The word "association" shall include any association, institution or corporation which include in their purposes the care or disposition of children coming within the meaning of this Act.

§ 4. Any reputable person, being a resident of the county, may file with the clerk of the court having jurisdiction of the matter, a petition in writing, setting forth that a certain child naming it, within his county, not now or hereafter an inmate of a State institution incorporated under the laws of this State, except as provided in section 12 and 18 hereof, is either dependent, neglected or delinquent as defined in section 1 hereof; and that it is for the interest of the child and this State that [the] child be taken from its parent, parents, custodian, or guardian and placed under the guardianship of some suitable person to be appointed by the court; and that the parent, parents, custodian or guardian of such child, are unfit or improper guardians, or are unable or unwilling to care for, protect, train, educate, control or discipline such child, or that the parent, parents, guardian or custodian consent that such child be taken from them.

The petition shall also set forth, either the name, or that the name is unknown to petitioner (a) of the person having the custody of such child; and (b) of each of the parents or the surviving parents of a legitimate child or of the mother of an illegitimate child; or (c) if it allege that both such parents are or such mother is dead, then of the guardian, if any of such child; (d) if it allege that both such parents are or that such mother is dead and that no guardian of such child is known to petitioner, then, of a near relative, or that none such is known to petitioner. The petition shall also state the residences of such parties so far as the same are known to such petitioner. All persons as named in such petition shall be made defendants by name and shall be notified of such proceedings of summons if residents of this State in the same manner as is now or may hereafter be required in chancery proceedings by the laws of this State except only as herein otherwise provided.

All persons if any who or whose names are stated in the petition to be unknown to petitioner, shall be deemed and taken as defendants by the name or designation of "all whom it may concern." The petition shall be verified by affidavit, which affidavit shall be sufficient upon information and belief. Process shall be issued against all persons made parties by the designation of "all whom it may concern," by such description, and notice given by publication as is required in this Act shall be sufficient to authorize the court to hear and determine the suit as though the parties had been sued by their proper names.

§ 5. The summons shall require the person alleged to have the custody of such child to appear with the child at that time and place stated in the summons; and shall also require all defendants to be and appear

and answer the petition on the return day of the summons. The summons shall be made returnable at any time within twenty days after the date thereof and may be served by the sheriff, or by any duly appointed probation officer, even though such officer be the petitioner. The return of such summons with endorsement of service by the sheriff or by such probation officer in accordance herewith shall be sufficient proof thereof.

Whenever it shall appear from the petition or from affidavit filed in the cause that any named defendant resides or hath [has] gone out of the State or on due inquiry can not be found, or is concealed within this State or that his place of residence is unknown so that process cannot be served upon him, or whenever any person is made defendant under the name or designation of "all whom it may concern" the clerk shall cause publication to be made once in some newspaper of general circulation published in his country [county], and if there be none published in his country [county], then in a newspaper published in the nearest place to his country [county] in this State, which shall be substantially as follows:

A, B, C, D, etc. (here giving the names of such named defendants, if any) and to "all whom it may concern" (if there be any defendant under such designation)

Take notice that on the.....day of.....A. D. 190.. a petition was filed by.....in the.....court of.....county to have a certain child, named.....declared a (dependent or delinquent) and to take from you the custody and guardianship of said child (and if the petition prays for the appointment of a guardian with power to consent to adoption, add and to give said child out for adoption.)

Now, unless you appear within twenty days after the date of this notice and show cause against such application, the petition shall be taken for confessed, and a decree entered.

E. F., Clerk.

Dated (the date of publication).

and he shall also within ten days after the publication of such notice send a copy thereof by mail, addressed to such defendants whose place of residence is stated in the petition and who shall not have been served with summons. Notice given by publication as is required by this Act shall be the only publication notice required either in the case of residents, non-residents or otherwise. The certificate of the clerk that he has sent such notice in pursuance of this section shall be evidence thereof. Every defendant who shall be duly summoned shall be held to appear and answer either in writing or orally in open court on the return day of the summons or if such summons shall be served less than one day prior to the return day then on the following day. Every defendant who shall be notified by publication as herein provided shall be held to appear and answer either in writing or orally in open court within twenty days after the date of the publication notice. The answer shall have no greater weight as evidence than the petition. In default of an answer at the time or times herein specified or at such further time as by order of court may be granted to a defendant, the petition may be taken as confessed.

If the person having the custody or control of the child shall fail without reasonable cause to bring the child into court, he may be proceeded against as in case of contempt of court. In case the summons shall be returned not served upon the person having the custody or control of such child or such person fails to obey the same in any case when it shall be made to appear to the court by affidavit, which may be on information and belief that such summons will be ineffectual, to secure the presence of the child, a warrant may issue on the order of the court either against the parents or either of them, or guardian or the person having the custody or control of the child or with whom the child may be or against the child itself to bring such person into court. On default of the custodian of the child or on his appearance or answer, or on the appearance in person of the child in court with or without the summons or other process and on the answer, default or appearance or written consent to the proceedings of the other defendants thereto or as soon thereafter as may be, the court shall proceed to hear evidence. The court may, in any case when the child is not represented by any person, appoint some suitable person to act on behalf of the child. At any time after the filing of the petition, and pending the final disposition of the case, the court may continue the hearing from time to time and may allow such child to remain in the possession of its custodian, or in its own home subject to the friendly visitation of a probation officer or it may order such child to be placed in the custody of a probation officer of the court, or of any other suitable person appointed by the court, or to be kept in some suitable place provided by the city or county authorities.

§ 7. If the court shall find any male child under the age of seventeen years (17) or any female child under the age of eighteen (18) years to be dependent or neglected within the meaning of this Act, the court may allow such child to remain at its own home subject to the friendly visitation of a probation officer. And if the parent, parents, guardian or custodian consent thereto, or if the court shall further find that the parent, parents, guardian or custodian of such child are unfit or improper guardians or are unable or unwilling to care for, protect, train, educate [or] discipline such child and that it is for the interest of such child and of the People of this State that such child be taken from the custody of its parents, custodian or guardian, the court may make an order appointing as guardian of the person of such child, some reputable citizen of good moral character and order such guardian to place such child in some suitable family home or other suitable place, which such guardian may provide for such child, or the court may enter an order committing such child to some suitable State institution organized for the care of dependent or neglected children, or to some training school or industrial school or to some association embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited as hereinafter provided.

§ 8. In every case where such child is committed to an institution or association, the court shall appoint the president, secretary or superintendent of such institution or association, guardian over the person of

such child and shall order such guardian to place such child in such institution or with such association, whereof he is such officer and to hold such child, care for, train and educate it subject to the rules and laws that may be in force from time to time governing such institution or association.

§ 9. If the court shall find any male child under the age of seventeen years or any female child under the age of eighteen years to be delinquent within the meaning of this Act, the court may allow such child to remain at its own home subject to the friendly visitation of [a] probation officer, such child to report to the probation officer as often as may be required, and if the parents, parent, guardian or custodian consent thereto, or if the court shall further find either that the parent, parents, guardian or custodian are unfit or improper guardians, or are unable or unwilling to care for, protect, train, educate or discipline such child and shall further find that it is for the interest of such child and of the People of this State that such child be taken from the custody of its parents, parent, custodian or guardian, the court may appoint some proper person or probation officer, guardian over the person of such child and permit it to remain at its home, or order such guardian to cause such child to be placed in a suitable family home, or cause it to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board; or the court may commit such child to some training school for boys if a male child or to an industrial school for girls if a female child or to any institution incorporated under the laws of this State to care for delinquent children, or to any institution that has been or may be provided by the State, county, city, town or village suitable for the care of delinquent children, including St. Charles School for Boys and State Training School for Girls, or to some association that will receive it, embracing in its objects the care of neglected, dependent or delinquent children and which has been duly accredited as hereinafter provided. In every case where such child is committed to an institution or association, the court shall appoint the president, secretary or superintendent of such institution or association, guardian over the person of such child and shall order such guardian to place such child in such institution or with such association, whereof he is such officer and to hold such child, care for, train and educate it subject to the rules and laws that may be in force, from time to time governing such institution or association.

§ 9a. The court may in its discretion in any case of a delinquent child permit such child to be proceeded against in accordance with the laws that may be in force in this State governing the commission of crimes or violations of city, village, or town ordinance. In such case the petition filed under this Act shall be dismissed.

§ 9b. The court may, when the health or condition of any child found to be dependent, neglected or delinquent requires it, order the guardian to cause such child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes, without charge to the public authorities.

§ 9c. Any child found to be dependent, neglected or delinquent as defined in this Act, and awarded by the court to a guardian, institution or association, shall be held by such guardian, institution or association, as the case may be, by virtue of the order entered of record in such case, and the clerk of the court shall issue and cause to be delivered to such guardian, institution or association a certified copy of such order of the court, which certified copy of such order shall be proof of the authority of such guardian, institution or association in behalf of such child, and no other process need issue to warrant the keeping of such child. The guardianship under this Act shall continue until the court shall by further order otherwise direct but not after such child shall have reached the age of twenty-one (21) years. Such child or any person interested in such child may from time to time upon a proper showing apply to the court for the appointment of a new guardian or the restoration of such child to the custody of its parents or for the discharge of the guardian so appointed.

§ 9d. Whenever it shall appear to the court before or after the appointment of a guardian under this Act that the home of the child or of his parents, former guardian or custodian is a suitable place for such child and that such child could be permitted to remain or ordered to be returned to said home consistent with the public good and the good of such child, the court may enter an order to that effect returning such child to his home under probation, parole or otherwise; it being the intention of this Act that no child shall be taken away or kept out of his home or away from his parents and guardian any longer than is reasonably necessary to preserve the welfare of such child and the interest of this State: *Provided, however*, that no such order shall be entered without first giving ten days notice to the guardian, institution or association to whose care such child has been committed, unless such guardian, institution or association consents to such order.

§ 9e. The court may, from time to time, cite into court the guardian, institution or association to whose care any dependent, neglected or delinquent child has been awarded, and to require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such guardian, institution or association, within ten days after such citation, to make such report either in writing verified by affidavit, or verbally under oath in open court, or otherwise as the court shall direct; and upon the hearing of such report, with or without further evidence, the court may, if it sees fit, remove such guardian and appoint another in his stead, or take such child away from such institution or association and place it in another, or restore such child to the custody of its parents or former guardian or custodian.

§ 15. Whenever the petition filed, as is provided in section 3 hereof, or a supplemental petition filed at any time after the appointment of the guardian shall pray that the guardian to be appointed shall be authorized to consent to the legal adoption of the child, and the court upon the hearing shall find that it is to the best interest of such child that the guardian be given such authority, the court may, in its order appointing

such guardian, empower him to appear in court where any proceedings for the adoption of such child may be pending, and to consent to such adoption; and such consent shall be sufficient to authorize the court where the adoption proceedings are pending to enter a proper order or decree of adoption without further notice to, or consent by the parents or relatives of such child: *Provided, however,* that before entering such order the court shall find from the evidence that (1) the parents or surviving parent of a legitimate child or the mother of an illegitimate child, or if the child has no parents living the guardian of the child, if any, or if there is no parent living and the child has no guardian or the guardian is not known to petitioner, then a near relative of the child, if any there be, consents to such order; or, (2) that one parent consents and the other is unfit for any of the reasons hereinafter specified to have the child or that both parents are or that the surviving parent or the mother of an illegitimate child is so unfit for any of such reasons—the grounds of unfitness being (a) depravity, (b) open and notorious adultery or fornication, (c) habitual drunkenness for the space of one year prior to the filing of the petition, (d) extreme and repeated cruelty to the child, (e) abandonment of the child or (f) desertion of the child for more than six (6) months next preceding the filing of the petition.

§ 22. If it shall appear, upon the hearing of the cause that the parent, parents, or any person or persons named in such petition who are in law liable for the support of such child, are able to contribute to the support of such child, the court shall enter an order requiring such parent, parents or other persons to pay to the guardian so appointed or to the institution to which such child may be committed, a reasonable sum from time to time for the support, maintenance or education of such child and the court may order such parent, parents or other persons to give reasonable security for the payment of such sum or sums and upon failure to pay, the court may enforce obedience to such order by a proceeding as for contempt of court. The court may, on application and on such notice as the court may direct from time to time, make such alterations in the allowance as shall appear reasonable and proper.

§ 23. If the person so ordered to pay for the support, maintenance or education of a dependent, neglected or delinquent child shall be employed for wages, salary or commission, the court may also order that the sum to be paid by him shall be paid to the guardian or institution out of his wages, salary or commission and that he shall execute an assignment thereof *pro tanto*. The court may also order the parent or the person so ordered to pay the sum of money for the support, maintenance or education of a child, from time to time make discovery to the the court as to his place of employment and amount earned by him. Upon his failure to obey the orders of court he may be punished as for contempt of court.

§ 24. Nothing in this Act shall be construed to give the guardian appointed under this Act the guardianship of the estate of the child or to change the age of minority for any other purpose except the custody of the child.

§ 25. The invalidity of any portion of this Act shall not effect the validity of any other portion thereof which can be given effect without such invalid part.

§ 26. Cases under this Act may be reviewed by writ of error.

APPROVED June 4, 1907.

PUBLIC HOSPITALS IN CERTAIN CITIES.

§ 1. Amends section 1, act of 1891.

§ 1. Tax levy not to exceed three mills on dollar annually.

(SENATE BILL NO. 437. APPROVED MAY 25, 1907.)

AN ACT to amend section one of an Act entitled, "An Act to enable cities to establish and maintain public hospitals." Approved June 17, 1891. In force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one of "An Act to enable cities to establish and maintain public hospitals," approved June 17, 1891, in force July 1, 1891, be and the same is hereby amended so as to read as follows: That the city council of each incorporated city of this State having a population of less than one hundred thousand (100,000) inhabitants shall have the power to establish and maintain a non-sectarian public hospital for the use and benefit of the inhabitants of such city, and any person falling sick, or being injured or maimed within its limits, and may levy a tax not to exceed three mills on the dollar annually, on all taxable property of the city, such tax to be levied and collected in like manner with the general taxes of the said city, and to be known as the "Hospital Fund."

APPROVED May 25, 1907.

SOLDIERS AND SAILORS—BURIAL OF DECEASED INDIGENT, ETC.

§ 1. Appointment of person—interment.

§ 3. County to pay expenses.

§ 2. Expenses—burial—funeral.

§ 4. Repeal.

(HOUSE BILL NO. 51. APPROVED MAY 24, 1907.)

AN ACT to provide for the burial of deceased indigent or friendless soldiers, sailors or marines of the late civil war, the Spanish-American war, the Philippine insurrection and the Boxer uprising in China, or their mothers, wives or widows.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the board of supervisors in counties under township organization, and of the county commissioners in counties not under township organization, to designate some suitable person or persons who shall serve without compensation, whose duty it shall be to cause to be properly interred the body of any honorably discharged soldier, sailor or marine, who served in the army or navy of the United States during the late civil

war, the Spanish-American war, the Philippine insurrection, or the Boxer uprising in China, or their mothers, wives or widows who may hereafter die in such county, without having sufficient means to defray the funeral expenses.

§ 2. The expense of such burial shall not exceed the sum of thirty-five dollars, such burial shall not be made in any cemetery or burial ground used exclusively for the burial of the pauper dead, or in that portion of any burial ground so used: *And provided*, that in case relatives of the deceased, who are unable to bear the expense of burial, desire to conduct the funeral, they may be allowed to do so, and the expense thereof shall be paid as hereinafter provided.

§ 3. The expenses of such burial and headstones shall be paid by the county in which such soldier, sailor or marine, or their mothers, wives or widows, resided at the time of his or her death; and the board of supervisors in such counties under township organization, or county commissioners in such counties not under township organization, is authorized and directed to audit the account, and pay the said expenses in a similar manner as other accounts against such county are audited and paid: *Provided*, that nothing in this act contained shall apply to the burial of soldiers and sailors who are inmates of the Soldiers' and Sailors' Home at the time of their death.

§ 4. An act entitled, "An Act to provide for the burial of deceased indigent or friendless union soldiers, sailors or marines of the late war," approved June 16, 1891, in force July 1, 1891, is hereby repealed.

APPROVED May 24, 1907.

SOLDIERS AND SAILORS—RELIEF TO INDIGENT, ETC.

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| Term. | § 5. Auditing board—bond. |
| § 1. "Overseer of poor" defined. | § 6. Overseer of poor—poorhouse—disposition of dependents. |
| § 2. How relief provided. | § 7. When more than one post or camp. |
| § 3. When no post or camp in town. | § 8. Report to Governor. |
| § 4. Relief committee—notice to city or town clerk—annual statement—penalty. | § 9. Repeal. |

(SENATE BILL NO. 44. APPROVED MAY 25, 1907.)

AN ACT to regulate the granting of relief to indigent war veterans and their families, and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the term "overseer of the poor," as used in this Act, shall be construed to mean all persons whose duty it is, under existing statutes, to care for, relieve or maintain, wholly or in part, any poor or indigent person who may be entitled to such relief under the statutes of the State of Illinois.

§ 2. For the relief of indigent and suffering soldiers, sailors and marines, who served in the war of the rebellion, the Spanish war, the Philippine insurrection, the Boxer uprising in China, and their families, and the families of deceased veterans who need assistance, in any city

or town in this State, the overseer of the poor shall provide such sum or sums of money as may be necessary, to be drawn upon by the commander and quartermaster of any post of the Grand Army of the Republic or of any camp of United Spanish War Veterans in said city or town, upon the recommendation of the relief committee of said post or camp, in the same manner as is now provided by law for the relief of the poor: *Provided*, that said soldier, sailor and marine, or the families of those deceased, are and have been residents of this State for one year or more, and the orders of said commander or quartermaster shall be proper vouchers for the expenditure of said sum or sums of money.

§ 3 In case there is no post of the Grand Army of the Republic or no camp of United Spanish War Veterans or Army of the Philippines in any town in which it is necessary that such relief as provided in section 2 should be granted, the overseer of the poor shall accept and pay the orders drawn, as hereinbefore provided by the commander and quartermaster of any post of the Grand Army of the Republic or of any camp of United Spanish War Veterans, or any Army of the Philippines, located in the nearest city or town, upon the recommendation of a relief committee, who shall be residents of the said town in which the relief may be furnished.

§ 4. Upon the taking effect of this Act, the commander of any post of the Grand Army of the Republic, or the commander of any camp of United Spanish War Veterans, or Army of the Philippines, which shall undertake the relief of indigent veterans and their families, as hereinbefore provided, before the acts of said commander and quartermaster shall be operative in any city or town, shall file with the city clerk of such city or town clerk of such town, or overseer of the poor of such town or county, a notice that said post or camp intends to undertake such relief as is provided by this Act, and such notice shall contain the names of the relief committee of said post or camp in such city or town, and of the commander and other officers of said post or camp. And the commander of said post or camp shall annually thereafter, during the month of October, file a similar notice with the city or town clerk, or the overseer of the poor, also a detailed statement of the amount of relief furnished during the preceding year, with the names of all persons to whom such relief shall have been furnished, together with a brief statement in such case from the relief committee upon whose recommendation the orders were drawn. And failure or neglect so to do at the time required by this Act shall be punishable by a fine of twenty-five dollars (\$25.00) to be recovered in the name of the county in any court of competent jurisdiction.

§ 5. The auditing board of any city or town, or the overseer of the poor of any city, town or county, may require of said commander or quartermaster of any post of the Grand Army of the Republic or of any camp of United Spanish War Veterans or Army of the Philippines, undertaking such relief in any city or town, a bond with sufficient and satisfactory sureties for the faithful and honest discharge of their duties under this Act.

§ 6. Overseers of the poor are hereby prohibited from sending indigent soldiers, sailors and marines (or their families or the families of those deceased) to any almshouse (or orphan asylum) without the full concurrence and consent of the commander and relief committee of the post of the Grand Army of the Republic or of the camp of Spanish War Veterans or Army of the Philippines having jurisdiction as provided in sections 2 and 3 of this Act. Indigent veterans with families, and the families of deceased veterans, shall, whenever practicable, be provided for and relieved at their homes in such city or town in which they shall have a residence, in the manner provided in sections 2 and 3 of this Act. Indigent or disabled veterans of the classes specified in section 2 of this Act, who are not insane, and who have no families or friends with whom they may be domiciled, may be sent to any Soldiers' Home. Any indigent veteran of either of the classes specified in section 2 of this Act, or any member of the family of any living or deceased veteran of said classes, who may be insane, shall, upon the recommendation of the commander and relief committee of such post of the Grand Army of the Republic or such camp of United Spanish War Veterans, or Army of the Philippines, within the jurisdiction of which the case may occur, be sent to any insane asylum and cared for as provided for indigent insane.

§ 7. In case there shall be within the limits of any city or town more than one post of the Grand Army of the Republic or more than one camp of United Spanish War Veterans, or Army of the Philippines, it shall be the duty of the commander of each post or camp within such limits, to send to the commander of every other post or camp, as the case may be, within said limits, on the first day of each month, a written list of the names of all persons to whom relief has been granted during the preceding month, under the provisions of this Act.

§ 8. The commander of the Grand Army of the Republic, Department of Illinois, and the commander of the United Spanish War Veterans, Department of Illinois, and the commander of the Army of the Philippines shall annually report to the Governor, on or before the first day of January of each year, such portions of the transactions of the Grand Army of the Republic and of the United Spanish War Veterans or Army of the Philippines respectively, relating hereto [thereto], as he may deem to be of interest to that organization and the people of the State.

§ 9. An Act entitled, "An Act to regulate the granting of relief to indigent war veterans and their families," which became a law June 26, 1895, in force July 1, 1895, is hereby repealed.

APPROVED May 25, 1907.

SOLDIERS' AND SAILORS' HOME—ADMISSION OF WIFE.

§ 1. Amend section 3a, act of 1885.

§ 3a. Wife admitted when of age of 50 years or older.

(SENATE BILL NO. 219. APPROVED MAY 25, 1907.)

AN ACT to amend section 3a of an act approved May 13, 1903, in force July 1, 1903, entitled "An Act to amend an act entitled 'An Act to establish and maintain a soldiers' and sailors' home in the State of Illinois, and making an appropriation for the purchase of land and the construction of the necessary buildings,' approved June 26, 1885, in force July 1, 1885, by adding thereto four sections, to be known as section 3a, section 3b, section 3c and section 3d respectively.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 3a of an act approved May 13, 1903, in force July 1, 1903, entitled "An Act to amend an act entitled 'An Act to establish and maintain a soldiers' and sailors' home in the State of Illinois, and making an appropriation for the purchase of land and the construction of the necessary buildings,' approved June 26, 1885, in force July 1, 1885, be and the same is hereby amended by adding thereto four sections, to be known as section 3a, section 3b, section 3c and section 3d respectively," be, and is hereby amended to read as follows:

§ 3a. When any person who has been a soldier or a sailor is an inmate, or becomes an inmate, of the Soldiers' and Sailors' Home at Quincy, the wife of such soldier or sailor shall be admitted as an inmate of said home, subject to the rules and regulations adopted by the trustees of said home, to govern the admission of applicants: *Provided*, said wife and said soldier or sailor were married prior to January 1, 1890, and when said wife shall be of the age of 50 years or older.

APPROVED May 25, 1907.

SOLDIERS' ORPHANS' HOME—ADMISSION REGULATED.

§ 1. Amends section 5, act of 1875.

§ 5. Admission of any dependent orphan child under the age of eight years—annual report, etc.

(SENATE BILL NO. 243. APPROVED MAY 25, 1907.)

AN ACT to amend section 5 of an act entitled, "An Act to regulate the State charitable institutions and the State Reform School, and to improve their organization and increase their efficiency," approved April 15, 1875, in force July 1, 1875, as amended by an act approved May 28, 1897, in force July 1, 1897, approved April 3, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 5 of an act entitled, "An Act to regulate the State charitable institutions and the State Reform School, and to improve their organization and increase their efficiency," approved April 15, 1875, in force July 1, 1875, as amended by an act approved May 28, 1897, in force July 1, 1897 [be amended to read as follows:]

§ 5. The object of the Soldiers' Orphans' Home shall be to provide for the nurture and intellectual, moral, and physical culture of all indigent children whose fathers served in the army or navy of the United States, and have died or been disabled by reason of wounds or disease received therein or have since become disabled or died; that there shall be received into said institution first, children who are under the age of five years, who are in indigent circumstances, and then if the means appropriated by the State will justify it, indigent children above that age and below the age of fourteen years shall be received, and then if the means provided will justify, all other indigent orphans of such soldiers may be received, but none over the age of sixteen years shall be received, at which age all children shall be discharged therefrom except girls who may be retained until they are eighteen years old, and the trustees may discharge at any time any child for persistent violation of the rules of said home, or when in their judgment it is necessary for the best interest and good government of the same; and the said trustees shall have the authority to procure permanent homes for any orphan child admitted to the home, and also for any child by first obtaining the consent of the parents, if either of them are living and can be found; and said trustees shall make such rules and regulations in regard to the manner of making contracts with any responsible parties who may take any of said children to raise: *Provided*, that in special cases of peculiar inability of any child to support itself, the trustees may retain such child, although over the age of sixteen years, and until the child has reached the age of eighteen years: *Provided*, when all the above children have been admitted who have made application and there is room to accommodate more children, then any dependent orphan child under the age of eight years, who has been a resident of this State for four years or more, shall be admitted to said institution. It shall be the duty of the superintendent of said institution to place all children admitted to this home in private homes whenever applications are made by worthy and responsible people. He shall make a report annually of each child so placed, of the school work and health and general condition of each child in his report to the board of State Commissioners of Public Charities. The said board of State Commissioners of Public Charities is hereby authorized and directed, for the purpose of regulating the admission of children, not the orphans of soldiers, to fix quotas for the several counties in the same manner that the said board fixes the quotas of the several counties for the admission of insane persons to the State hospitals for the insane. The children who are inmates of county almshouses shall be provided for first, then if said county's quota is not full, other dependent orphan children may be admitted.

APPROVED May 25, 1907.

SOLDIERS' WIDOWS' HOME—MATRON.

§ 1. Amends section 10, act of 1895.

§ 10. Salary of matron fixed at
\$1,200 per annum.

(SENATE BILL NO. 460. APPROVED MAY 13, 1907.)

AN ACT to amend section 10 of an act entitled, "*An Act to establish and maintain a home for the disabled mothers, wives, widows and daughters of disabled or deceased soldiers in the State of Illinois, and to provide for the purchase and maintenance thereof,*" approved June 13, 1895, in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 10 of an act entitled "*An Act to establish and maintain a home for the disabled mothers, wives, widows and daughters of disabled or deceased soldiers in the State of Illinois, and to provide for the purchase and maintenance thereof,*" approved June 13, 1895, in force July 1, 1895, be amended so as to read as follows:

§ 10. Said trustees shall appoint a matron at a salary not to exceed (\$1,200) twelve hundred dollars per annum and such other officers as may be necessary to carry on the affairs of the said institution, fixing their salaries, and shall together with the Governor prescribe rules for the admission of inmates into said home.

APPROVED May 13, 1907.

CITIES, VILLAGES AND TOWNS.

CHANGE OF NAME.

§ 1. Amends section 8, act of 1872.

§ 2. Emergency.

§ 8. When change void—validates proceedings.

(HOUSE BILL NO. 78. APPROVED MAY 13, 1907.)

AN ACT to amend section eight (8) of an act entitled, "*An Act to enable any city, town or village in this State to change its name,*" approved March 7, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eight (8) of an act entitled, "*An Act to enable any city, town or village in this State to change its name,*" approved March 7, 1872, in force July 1, 1872, be, and the same is hereby amended so as to read as follows:

§ 8. If the name of any such city, town or village shall be changed contrary to or without complying with the provisions of this Act, such change shall be void and held for naught in any court of competent jurisdiction in this State: *Provided, however,* that all proceedings instituted or acts done under such name as changed shall be valid and binding if the same would have been valid and binding if done under the old name.

All proceedings heretofore instituted or acts heretofore done by any city, town or village under the new name as changed, if the change shall

be declared void, shall be held as good and valid as if done and performed under this Act.

§ 2. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage and its approval by the Governor.

APPROVED May 13, 1907.

CHICAGO CHARTER.

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|------------------------|----------------------------|-------------|----------------------------|
| Article 1. | Consolidation. | Article 12. | Revenue. |
| Article 2. | Elections. | Article 13. | Indebtedness. |
| Chapter 1. | In general. | Article 14. | Streets and public places. |
| Chapter 2. | Submission of proposi- | Article 15. | Local improvements. |
| tions to popular vote. | | Article 16. | Public utilities. |
| Chapter 3. | Primary elections. | Article 17. | Water supply. |
| Article 3. | The mayor. | Article 18. | Parks. |
| Article 4. | The city council. | Article 19. | Department of education. |
| Article 5. | Powers of the council in | Article 20. | Compulsory education. |
| general. | | Article 21. | The public library. |
| Article 6. | Officers. | Article 22. | General provisions. |
| Article 7. | Civil service. | Article 23. | Submission of charter to |
| Article 8. | Corporate powers. | | popular vote. |
| Article 9. | Police power. | | |
| Article 10. | Powers for aid, relief and | | |
| correction. | | | |
| Article 11. | Finance. | | |

(HOUSE BILL NO. 874. APPROVED JUNE 5, 1907.)

AN ACT to provide a charter for the city of Chicago, to consolidate in the government of said city the powers now vested in the local authorities having jurisdiction within the territory of said city, and to enlarge the rights and powers of said city.

ARTICLE I.

CONSOLIDATION.

I—SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* All powers not abrogated by this charter which are now vested in the city, board of education, township, park or other local governments and authorities having jurisdiction confined to or within the territory of the city of Chicago, or any part thereof, shall be consolidated in the municipal government of the city of Chicago, and for that purpose all municipal corporations other than the city of Chicago, whose jurisdiction is confined as aforesaid, and their corporate authorities, shall be dissolved and abrogated and shall be merged in and united with the city of Chicago (except that towns or townships shall be deemed to continue in existence only in so far as their continued existence may be necessary to the collection of taxes); and the city of Chicago shall be the successor of said corporations, with all their property and corporate rights and subject to

all their lawful debts, obligations and liabilities, whether such rights or liabilities be accrued or contingent. No town or park district shall hereafter be formed under general laws now in force, so as to be located entirely or partly within the limits of the city of Chicago. Upon the annexation hereafter to the city of Chicago of any territory containing within its boundaries the whole of any township, school or park district, or other municipal corporation, or any part of any such corporation, the remaining portion of which is already situated within the territory of the city, the local government and authorities of such township, school or park district, or other municipal corporation thus becoming included entirely within the city, shall, if the majority of the voters of such corporation voting upon the question consent to such annexation, be consolidated in the municipal government of the city of Chicago, and such corporation and its corporate authorities shall thereupon be dissolved and abrogated, subject in every respect to the provisions of this article. The election commissioners shall, if necessary, furnish separate ballot boxes in which the votes of the voters residing within the territory of any such corporation may be received in order that they may be separately counted and returned.

Nothing in this section contained shall be construed to apply to drainage, improvement, or forest preserve districts.

1—2. The city of Chicago, as it shall be organized under this charter, shall be deemed to be the same corporation and shall continue to be vested with the same rights and property of every description, and to be subject to the same obligations and liabilities, accrued or contingent, as the city of Chicago as at present organized, and no legal proceeding to which the city is a party shall be affected by the change of organization, and all legal proceedings instituted by or in the name of or against any of the corporations or corporate authorities hereby abrogated shall be continued without abatement by or against the city of Chicago, either in the name of the city of Chicago or in the name by which they were instituted.

When a different remedy is given by this act which may properly be made applicable to any right existing at the time this charter takes effect, the same shall be deemed cumulative to the remedies before provided and may be used accordingly.

1—3. All legal acts lawfully done by or in favor of any of the corporations or corporate authorities hereby consolidated shall be and remain as valid as though this Act had not been passed. This provision shall especially apply to contracts, grants, licenses, warrants, orders, notices, appointments and official bonds, but shall not affect any existing or contingent right to modify, revoke or rescind such acts.

1—4. All fines, penalties and forfeitures incurred or imposed before this charter takes effect for violation of the ordinances, by-laws or rules of any of the local authorities hereby consolidated, shall be enforced or collected by or under the authority of the city.

1—5. All causes of action accrued before this charter takes effect in favor of or against any of the corporations or corporate authorities hereby abrogated may be prosecuted by or against the city of Chicago.

1—6. All taxes and special assessments lawfully levied before this charter takes effect, by any of the local authorities hereby consolidated, shall be collected as if they had been lawfully levied by or under the authority of the city of Chicago.

1—7. All powers of taxation or assessment that may have become part of any contract of indebtedness incurred or entered into by any of the corporations hereby consolidated with the city of Chicago shall be preserved only in so far as their exercise may become necessary to save and protect the rights of creditors, and in the event of their so becoming necessary, shall be exercised by the corporate authorities of the city of Chicago to the same extent as the corporate authorities contracting such indebtedness would have been found to exercise the same.

1—8. All ordinances, resolutions, by-laws, orders or rules in force in the city of Chicago or in any portion thereof at the time this charter takes effect and not inconsistent with the provisions of this charter, whether enacted by authority of the city or by any other authority, shall continue in full force and effect until repealed or amended, notwithstanding any change of organization affected by this charter.

1—9. Any property or funds held by any of the corporate authorities hereby dissolved upon any trust or subject to any charge, shall be held by said city upon the same trust and subject to the same charge. The proceeds of taxes or assessments levied and of all bonds or warrants issued and of all license fees, rates or charges imposed before this charter takes effect shall be applied to the purposes for which they were levied, issued or imposed.

1—10. The present boards of park commissioners and park boards shall continue to perform their official functions until the board of park commissioners herein provided for shall have been organized; and shall thereupon be abrogated.

All offices of the township governments hereby consolidated shall be abrogated by the adoption of this charter, except so far as their legal continuance may be necessary to the collection of taxes.

1—11. All officers ceasing to hold office shall deliver and turn over to the officers upon whom their powers and duties devolve all papers, records and property of every kind in their possession and custody by virtue of their office, and shall account to them or to any authority designated by the city council for all funds, credits or property of any kind with which they are properly chargeable.

1—12. Except as herein expressly otherwise provided the tenure of office of no officer and the terms of employment of no employé of the present city government or of any of the local governments or corporate authorities hereby consolidated with the city of Chicago shall be affected by such consolidation or by the abrogation of the authority under which he holds office or by the taking effect of this charter, and all the present employés and police officers of the park boards shall be subject to the provisions of the civil service law without original examination.

1—13. So far as the provisions of this charter are the same in terms or in substance and effect as the provisions of the laws which this charter supersedes they shall be construed as continuations of such provisions and not as new enactments.

ARTICLE II—ELECTIONS.

CHAPTER I.—IN GENERAL.

2—I—1. The qualifications of voters at municipal elections shall be determined by the general laws of the State.

2—I—2. Regular elections for municipal offices (not including those for the municipal court) shall be held on the first Tuesday of April.

2—I—3. If there is a failure to elect any municipal officer required to be elected, or if the person elected fails to qualify, the office shall be filled as if the same were vacant.

2—I—4. Special elections for municipal offices or for the submission of propositions to the voters of the city shall be called only by order of the city council.

CHAPTER 2.—SUBMISSION OF PROPOSITIONS TO POPULAR VOTE.

2—2—1. Whenever this charter or any other statute provides that any proposition shall or may be submitted to the voters of the city, or of any district of the city, for approval or consent, and that it shall not take effect in the city or such district until such approval or consent, or shall contain any provision of a like effect, the proposition shall be submitted, and if approved, shall take effect, as herein provided.

2—2—2. If the proposition is in the form of a statute, the Secretary of State shall transmit a copy of such statute to the officer whose duty it is to give notice of the election at which the proposition is to be voted on.

2—2—3. Unless otherwise provided by the authority requiring or authorizing the submission, the proposition shall be submitted at any special or regular election occurring not sooner than thirty days from and after the provision is enacted.

2—2—4. The provisions applicable to the election of municipal officers shall as far as practicable govern elections upon any proposition submitted to popular vote except as herein otherwise provided.

2—2—5. The notice of the election at which the proposition is to be voted upon shall briefly indicate its substance. The title, if any, of the measure shall be sufficient for that purpose. The election commissioners shall keep copies of the statute or ordinance containing the proposition to be voted upon at their office for free distribution or for sale at cost price as they may determine, and one or more copies thereof shall be kept on election day at each polling place for public inspection.

2—2—6. The proposition or propositions to be voted on at any election shall be printed on a ballot, which shall be separate from the ballot for candidates for office. The proposition, if a statute, shall be

stated by its title (with such caption as the election commissioners may determine), and if an ordinance, in such summary form as may be designated by the city council; or in case the city council shall fail to make such designation, then in such summary form as the election commissioners may determine.

Below the statement of each proposition there shall be printed on two lines:

FOR THE PROPOSED (statute, ordinance, proposition
etc., as the case may be) and

AGAINST THE PROPOSED (statute, ordinance, propo-
sition, etc., as the case may be)

leaving at the end of each line a square space marked off for the insertion of the voter's mark, substantially as follows:

Caption (e. g.) City Hall Bond Issue.

Title.....

| | |
|--------------------------------|--|
| FOR proposed measure | |
| AGAINST proposed measure | |

2—2—7. Whenever a proposition is submitted to the voters of the city or of a district thereof, the result shall be determined by the number of votes cast upon that proposition, unless it is expressly otherwise provided by the law requiring or authorizing such submission.

2—2—8. If the vote upon the proposition is in favor of its adoption, the statute or ordinance shall take effect in the city or district for which it has been adopted, from the time the result of the election is ascertained and declared, unless a later date is fixed in such statute or ordinance, or by the constitution.

If a proposition embodied in a statute or ordinance fails to be adopted it shall not be re-submitted under the authority of the same statute or ordinance until after a lapse of two years, and only upon a petition of fifteen (15) per cent of the legal voters of the city, voting at the last preceding election for mayor, which shall be filed with the city clerk at least thirty days before the election at which the re-submission is desired.

2—2—9. Wherever this charter shall require a petition of voters for the purpose of having some measure submitted to popular vote for the purpose of having the name of any candidate for any office placed upon the official ballot to be voted upon at any election, or for any other purpose, the signatures to such petition need not all be appended to one paper, but on each paper there shall be printed or written a correct copy of such petition. Each signer shall add to his signature, which

shall be in his own handwriting, his place of residence, giving the street and number of the house. A signer unable to write may make his mark, which shall be attested by an adult resident citizen, who shall place by the mark, in addition to his own name and place of residence, the name and residence of the signer. Each signature to the petition shall be verified by a statement (which may relate to a number of specified signatures) made by some adult resident citizen under oath before some competent official to the effect that he believes the signer to be [a] qualified voter and either that he knows the signature to be genuine, or that the same was made in his presence and he verily believes the same to be genuine. If the signature is by a mark, the verification shall be by the attesting witness. Such statement or statements shall be attached to and filed with the petition.

CHAPTER 3.—PRIMARY ELECTIONS.

2—3—I. The primary elections for delegates to constitute the various conventions of the different political parties or organizations of the city, or any part thereof, held for the nomination of candidates for public office in the city, or any part thereof, whose names are to be printed on the official election ballots printed and distributed at public expense in the city, or any part thereof, shall hereafter be held under and pursuant to this act. A convention to nominate candidates for public office to be voted for by the electors of an entire city shall be known as a "city convention." A convention to nominate candidates for public office to be voted for by the electors of an entire ward shall be known as a "ward convention."

Each nomination convention to nominate city officers shall be held within the boundaries of the city. All ward conventions shall be held within the boundaries of the respective wards. All conventions shall be held at the place designated in the call. A majority of the delegates entitled to a seat in the convention shall be necessary to constitute a quorum. Each political party shall designate for each convention in the call or application filed by such party for a primary election to be held in accordance herewith the name of a resident voter of the city or ward as the case may be, to call the respective conventions to order and who shall preside only until the temporary chairman has been duly elected as provided herein. The person so designated may be chosen as one of the officers of the convention, provided that said person shall have all the qualifications and shall be chosen as required herein. All convention officers shall be delegates and shall be chosen upon a roll-call, such roll-call to be by wards for city conventions and by primary districts for ward conventions and announced by the chairman of such ward or district delegation. In case, however, the vote of any ward or district is challenged or disputed when announced, then the roll of delegates of such ward or district shall be called and the persons receiving the votes of a majority of the delegates shall be declared elected the officers of the convention. No adjournment or recess of the convention shall be taken before completing the nominations it was called to make, except upon a ye and nay vote taken upon a roll-call as aforesaid.

2—3—2. Any political party or organization which at the last preceding municipal or presidential election for Governor in this State polled at least five (5) per cent of the entire votes cast in the city for its candidate receiving the highest number of votes, shall be entitled under this act to hold one primary election on any day in the months of January, February or March immediately preceding any regular spring or summer elections; which primary election shall effect only the nominations for the offices to be filled at the particular spring or summer elections next and immediately following such primary election day: *Provided*, that such primary election day and certificates of nomination shall be subject to the provisions of section 7 of an act entitled "An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public office, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," in force July 1, 1891, as amended; and such primary election day shall be at least six days before nomination certificates are required by law to be filed. Within the time limited, as aforesaid, such political party or organization, through its central committee or managing committee, may determine and name the day for holding such primary election; but no two different political parties shall hold their primary elections on the same day; and the political party first applying, as hereinafter set forth, shall have the preference in the choice of days, in case two or more different political parties shall in their application appoint the same day.

2—3—3. No political party or organization shall be entitled under this act to hold a primary election unless at least twenty-five (25) days before such primary election day such political party or organization shall file with the board of election commissioners of the city a call or application in writing, which shall set forth:

First—The name of such political party and the address of the headquarters of the central committee or managing committee of such political party.

Second—The day on which such primary election is to be held.

Third—The name, place and time of every convention for the nomination of candidates for public office for which such primary election is called.

Fourth—The description of each of the various primary election districts, together with the names of the three persons for judges of election and two persons for clerks of election for each such primary district, also the designation of a polling place for each such primary district.

Fifth—The number of delegates from each such primary district to each convention: *Provided*, that the number of delegates from each of the different primary districts be proportioned equally to the number of voters of such political party in each district as shown by the last preceding presidential election returns: *And, provided*, that each primary election district shall be allowed to be represented by at least one delegate to each convention in which such primary district is entitled to be represented.

Sixth—The name of some resident voter of the city or ward as the case may be, to call the respective conventions to order and who shall preside until the temporary chairman has been duly elected.

Provided, that all the organizations or subdivisions of any one general political party within the city shall hold their primary elections, such as may then be in order, for the city or wards, together and on one and the same day; and each municipal or ward organization of the party that neglects to join shall forfeit the right to hold primaries for its particular nominations then due.

2—3—4. Such call or application shall be signed by the chairman and attested by the secretary of the central committee or managing committee of such political party or organization, verified by oath that the facts therein stated are true and that they are, respectively, the chairman and secretary of such committee. No person and no political party or organization shall use the name of another political party or organization (or any designation similar to that of another political party or organization) in such manner as to deceive voters.

2—3—5. At least ten (10) days before the primary election day designated as aforesaid by such political party, it shall be the duty of the board of election commissioners, upon the application of any political party entitled thereto as aforesaid, through its central committee, or managing committee, as aforesaid, to give notice of such primary election. Such notice shall contain the name of the political party or organization for which such primary election is to be held, the address of the headquarters of the central committee, or managing committee, of such party, the name, place and time of each convention according to the call aforesaid to be held by such party for the nomination of candidates for public office, the date upon which such primary election is to be held, the description of each of the various primary election districts, the location of the polling place for each such district, and the number of delegates to be elected from each primary district to each convention. But no failure or error in such notice or in the call or application aforesaid, shall invalidate any primary election actually held, and any primary election held pursuant to any notice substantially like the above notice shall be deemed to be held under this act, and all judges of courts of record in the city shall take judicial notice of the holding of such primary election under this act.

2—3—6. For purposes of primary elections under this act, in the more sparsely settled territory a regular election precinct may constitute a primary election district; but in populous sections, in order to save expense, from two to seven, but no more, entire contiguous election precincts of the same ward in as compact a form as practicable, may be joined so as to form one primary election district, but in such manner that each primary election district, consisting of two or more regular election precincts, shall include at least three regular election judges and two regular election clerks residing within such primary district and belonging to the party establishing such primary district. In no event shall any primary district contain more than eight hundred (800) voters, to be ascertained by the party vote of the party holding

said primary election cast at the last preceding presidential election. Primary districts, when lawfully established, shall remain as established for each party's successive primaries, except as changes may be necessitated by law.

In each such primary election district there shall be a primary polling place, which shall be as near the center of population of such district as is practicable, and such primary polling place shall be in the most public, orderly and convenient part of such primary district, and within a room permitting easy ingress and egress to voters, and no building shall be designated or used as such polling place in which spirituous or intoxicating liquor is sold, or which is within one hundred (100) feet of any place where such liquor is sold. The central committee or managing committee of any political party or organization entitled to hold such primary elections under this act shall establish such primary election districts and designate such polling places according to this act, not less than twenty-five (25) days before such primary election day.

2—3—7. Not less than ten days before such primary election day, the board of election commissioners, by the general election law authorized to appoint judges and clerks for general elections, is, and are hereby, empowered to appoint, and shall, for such primary election district, appoint and swear in from the list of duly appointed and regular election judges and clerks, and otherwise as herein provided, three judges and two clerks, who are members of such political party, to serve, respectively, as judges and clerks at such primary election: *Provided, however,* that such political party or organization, through its central or managing committee, shall have the right, not less than twenty-five (25) days before such primary election day, to designate and name for appointment for service at such primary election such certain of the regularly listed judges and clerks as were originally recommended and named or endorsed for appointment as regular election judges and clerks by such political party; and in case there are not a sufficient number of listed regular judges and clerks so originally recommended and named or indorsed by such political party to equip all primary polling places of such party, then such political party or organization may, not less than twenty-five (25) days before such primary election day, through its central or managing committee, recommend to such appointing power a sufficient number of qualified persons for appointment to serve as primary election judges and clerks to equip all the primary polling places of such party; and such board having such appointing power, to whom or to which such names are designated by such political party as aforesaid, shall, not less than ten days before such primary election day, select from the names so recommended, and shall notify, appoint and swear in such persons, if qualified to act as judges and clerks at such primary election; and such persons so appointed shall serve as judges and clerks, respectively, at such primary election. Except when only one or two regular election precincts form a primary election district, no two judges and no two clerks shall serve at the same primary polling place who reside in the same regular election precinct. In default of such designation or recommendation

of such judges and clerks by such political party, and in any case of vacancy among primary judges and clerks, then such board having the appointing power as aforesaid shall appoint and swear in from the list of duly appointed and regular election judges and clerks who are members of such party, a sufficient number of judges and clerks to equip all the primary polling places of such party. Such judges and clerks appointed under this act shall take an oath of office substantially as follows, and shall subscribe their names to the same:

"I,, residing at, in the city of, in the State of Illinois, do solemnly swear (or affirm) that I am a legal voter and a member of the party and a householder in the ward of the city of, in the State of Illinois, that I will support the laws and constitution of the United States and of the State of Illinois, and that I will faithfully and honestly discharge the duties of primary election judge (or clerk) for the primary election district of the ward, of the city of, in the county of, in the State of Illinois, according to the best of my ability.

Dated this day of, A. D.

In due time before such primary election day such appointing board shall notify every person designated as aforesaid and intended for appointment as judge or clerk of the fact of his election; and he shall, unless excused by such board, for good cause, be appointed as a judge or clerk, respectively, and he shall then be bound to serve as such judge or clerk for the ensuing primary election. Such board appointing judges and clerks as aforesaid shall keep a record of the names of all such persons so notified to appear, and whether such persons were rejected for want of qualification or excused for cause; in such case the facts shall be noted. In case any person so notified fails to appear before such board, as required in this act, or if he do appear and refuses to serve, or if he shall be sworn to serve and fail to serve on the day appointed, he shall be guilty of a misdemeanor under this act, unless good cause be shown to excuse his default for such service. In case the person intended for appointment does not appear upon notification, then other persons shall be notified by said board as aforesaid until eligible persons are found who will serve. All persons subscribing to the oath as aforesaid, and all persons actually serving as judges and clerks at any primary election, whether sworn in or not, shall be deemed to be, and are hereby declared to be, officers of the county court of the respective county; and such persons shall be liable to punishment by such court in a proceeding for contempt for any misbehavior as such judge or clerk, to be tried in open court on oral testimony, in a summary manner, without written pleadings; but such trial or punishment for contempt of court shall not be any bar to any criminal proceedings against such primary judges or clerks for any violation of this Act.

2—3—8. All the laws of this State, respecting the general elections in this State, now or hereafter in force in any election precinct or district in the city, except as the same are modified by the provisions of this

act, and so far as the same are applicable to the primary elections provided for in this act, are hereby declared to be in force in each primary election district, respecting the primary elections provided for in this act.

Polling places in the respective primary election districts shall be named, appointed, selected, provided, established, furnished, warmed, lighted, maintained, conducted, and supervised;

And all necessary ballot boxes, registry books, statements of votes, tally sheets, blanks, poll books, stationery and supplies shall be provided, furnished, delivered, returned and used;

And notice of such primary election shall be given and posted;

And all judges and clerks shall be paid, appointed upon the recommendation of the central committee or managing committee, as aforesaid, qualified, notified, directed, instructed, sworn, and vacancies in their number supplied;

And such primary elections in each election district shall be conducted, supervised, regulated and controlled;

And after being used at any primary election, all registry books, poll books, tally sheets, ballots, statements of votes, returns, ballot boxes, ballot box keys, and other election paraphernalia shall be preserved, kept, stored, accounted for and returned;

And the polling places and the polls of such primary election shall be open and closed respectively;

In the same manner and by the same board or judges and clerks, as is provided by law in force in any election precinct or district in the city, respecting the general elections, except as such general election laws are modified by this act, and except as to the time of appointing the respective polling places in the various election precincts or districts, which time shall be at least ten (10) days before each primary election day.

The board of election commissioners, or any or all of them, by the general election law authorized to furnish or have the custody of general election ballot boxes, general registry books of voters, and other election paraphernalia, shall, in due time before primary election day, notify one or more of the judges of each election district to appear before such board in due time before primary day; and such judges shall appear within such time, and such board shall deliver to such judge or judges for each primary election district one ballot box, also one regular election registry book of voters for each regular election precinct included in the primary election district; also sufficient poll books, tally sheets, blank affidavits, oaths, statements of votes, delegates' certificates of election; also all other blanks, papers and supplies necessary to carry out the provisions of this act.

2—3—9. The expenses of conducting such primary election shall be paid by the city to which this act shall apply, as hereinafter provided, including the salaries of judges and clerks, the cost of ballot boxes, registry books, poll books, return sheets, stationery, supplies, polling places and such other expense as are necessary and incidental to carry out the provisions of this act.

The board of election commissioners shall audit all the claims of such judges and clerks of such primary election: *Provided*, that all expense

incurred by said board of election commissioners shall be paid by such city. Such expenses are to be audited by the county judge and shall be paid by the city treasurer upon the warrant of such county judge out of any money in the city treasury not otherwise appropriated. It shall be the duty of the governing authority of such city to make provision for the prompt payment of such expenses. At all primary elections for city officers, though other than city officers may be nominated at the same time, and at all primary elections in a part of such city, such city shall pay such judges and clerks for their services under this act. At all general, county and State primary elections, though other than State and county officers are to be nominated, and at all primary elections where other than judicial officers are to be nominated, such county shall pay such judges and clerks for their services under this Act. Said board of election commissioners shall audit all the claims of judges and clerks and shall draw a warrant therefor upon such city or county treasury, as the case may be.

2—3—10. The judges and clerks of such primary election shall be allowed the sum of five dollars (\$5.00) each per day for their services in attending such primary election.

2—3—11. In order to be qualified to vote at a party's primary election, the person offering to vote shall be a member of the particular party and legally qualified to vote at the next ensuing regular election. He shall be registered on the regular election registry books within the primary district and reside within the district in which he offers to vote: *Provided*, no person shall be deemed to be a member of a particular party if he has signed any petition for the nomination of any person with reference to the nominations for the next ensuing regular elections, or if he has voted at the primary election of another party within the period of one year next preceding: *Provided*, any legal voter of a precinct shall be entitled to vote in case he shall file with the judges of the primary election an affidavit, stating the time when he removed into such precinct and the length of his legal residence in such precinct, county and State, and that he has removed into that precinct since the last registration of electors at the last election, and that he is a legal voter of such precinct, supported by an affidavit of a registered voter and householder of the precinct that he knows such person, and that his statements as to the time of residence, as aforesaid, are correct, and that such person is a legal voter in such precinct. But it shall be the duty of such judges of the primary election to examine him on oath as to his qualifications, and, if they are of the opinion that he is not a legal voter, or did not remove into such precinct since the last general or intermediate registration, they shall not accept his vote. The books of registry shall be used at such primary elections, and no one can vote unless upon such registry, except under the circumstances and through the method aforesaid. All affidavits shall be returned to the office of the board of election commissioners by the judges of the primary election after every primary election.

2—3—12. None but legally qualified voters residing in the primary district to be represented shall be eligible as delegates to any convention of such party. Judges and clerks acting as such at any primary election

shall be ineligible as delegates or alternates to any such convention. No person shall act as a delegate to any such convention except when elected a delegate, according to this Act: *Provided*, that in the absence of a delegate, then delegates of the district present shall select any qualified member or members of the party as delegates to fill such vacancies. If no delegates from a given district are present, the vacant delegation may be filled by the delegate or delegates present from that ward. No delegate to any convention held under the provisions of this Act shall have any power or authority to name or appoint any proxy or substitute to vote for in his stead, and no proxy or substitute appointed by any delegate shall be binding or effective on any convention or conventions held under the provisions of this Act.

2—3—13. At such primary elections the manner of voting shall be by ballot. The ballots shall all be of uniform size, and ten and one-half ($10\frac{1}{2}$) inches in length and seven (7) inches in width. The ballots shall be printed or written, or partly printed or partly written, upon plain white print paper. Any person or persons may, at private expense, furnish such ballots, and no primary election ballot shall be furnished at public expense. The name of each delegate for whom the voter intends to vote shall appear on one ballot, on one and the same side thereof in plain letters, together with the name of the convention to which such delegates are to be elected. Immediately preceding the list of delegates to any convention may appear the name of the candidate or candidates for whom such delegates are expected to vote in such convention, or the word "unpledged" may appear, and at the top of the ballot may appear the simple party name, the primary district precincts comprising same and the location of the polling place. Unless ballots substantially comply with this Act, in size and color, the same shall be void for all purposes and shall not be received or deposited or counted by any person or judge at any primary election; and all ballots not in accordance with the provisions of this act, but which by any mistake may have been deposited in the ballot box, shall be void, and shall be marked "defective" on the back thereof; but no ballot shall be defective because the voter depositing the same has named upon it a less number of delegates than such voter was entitled to vote for. If the voter votes for more persons than there are delegates to be elected, to a certain convention, or if for any reason it is impossible for the judges to determine the voter's choice, such ballot or part thereof shall not be counted. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum, signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked, and all "defective," or "objected to" shall be enclosed in an envelope securely sealed and so marked and endorsed as to clearly indicate its contents. The judges shall receive from any person and permit to be freely and equally exposed, in separate and orderly piles, within the polling place, near the ballot box and within reach of voters, a sufficient supply of each of the

various primary tickets or ballots; and the judges shall hand one of each of the various tickets to each and every person qualified to vote; and whenever the supply of any of the various tickets becomes insufficient, the judges shall immediately mention the fact of such insufficiency to one or more of the candidates or persons interested in said ticket. Any judge or clerk, or any other person, who shall in any manner conceal or remove or destroy any such supply of tickets, or who shall hinder or prevent or interfere with the free and equal reception, exposure, distribution, use or supply of such various primary tickets or ballots, or who shall do any electioneering within 100 feet of the polling place shall, upon conviction thereof, be deemed guilty of a misdemeanor.

2—3—14. The polls of such primary election shall be opened at twelve o'clock noon, and continue open until seven o'clock in the afternoon of the same day, at which time the polls shall be closed; if any judge or clerk, without lawful excuse, shall be behind time for fifteen (15) minutes after the time for opening such polls, he shall be guilty of a misdemeanor under this act and punished accordingly. No judge or clerk shall absent himself to exceed five (5) minutes at any time until the ballots are all cast and counted and returns made; and, when absent for any cause during such time, said judge or clerk shall authorize some one of the same political party with himself to act for him until his return. If any judge or clerk shall not be present after the expiration of fifteen (15) minutes from the time to open the polls, the judge or judges present shall fill the place of such absent judge or clerk and one of the judges shall administer to such substitute the oath, as required of the judges or clerks when originally appointed, and blank forms shall be provided for such purpose, which oath shall be preserved and returned by the judges to the proper officer or the board, and such appointee shall be subject to the same punishment and penalties as any other judge or clerk. Whenever such regular judge or clerk shall be present such substitute shall cease to act. If all judges or clerks fail to appear at the proper time at the polling place, or in case no primary judges and clerks have been appointed as provided in this act, then bystanding voters of such primary district, to the number of five (5) or more, of such political party may elect legal voters of such party to act as judges or clerks. Such judges and clerks, elected as last aforesaid shall have full power to conduct such primary election in accordance with this act. Any judge or clerk who shall wilfully absent himself from the polls on such primary election day without good cause shall be guilty of a misdemeanor under this act; and if any judge or clerk shall wilfully detain any registry book or poll book, or other election paraphernalia, and not cause it to be produced at the polling place at the opening of the polls, or for fifteen (15) minutes thereafter, he shall be guilty of a misdemeanor under this Act.

If for any good cause a primary election can not be held at the polling place designated or appointed as aforesaid, the judges of such polling place may, at the time set for the opening [of] the polls of such primary election, adjourn such election to the most convenient polling place, near by, which is otherwise suitable according to this act; and

such judges shall publicly proclaim such change and post a notice of such change on the polling place originally appointed.

2—3—15. Before voting begins the ballot box shall be empty; and it shall be opened and shown to those present to be empty; and it shall not be removed from the public view from the time when it is shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges, and it shall not be again opened until the close of the polls. The judges of election shall each be held guilty of a misdemeanor, under this act, if such ballot box shall not by them be kept constantly in public view during the progress of the election, unless it shall be shown by any judge that he protested against any obstruction of the view of the ballot box and was overruled by the majority of the judges. Voters shall be admitted within the polling place, and there shall be permitted no handing in of votes through windows, doors, or other openings.

2—3—16. Each of the clerks of election, in the poll books kept by him, shall enter in the proper column the name of each person whose vote is duly received for deposit in the ballot box; and in the column under the heading "Number" he shall note the successive number of each successive voter; and in the column headed "Residence" he shall note the residence of each such voter. Each page of special book shall be substantially in the following form:

REPUBLICAN (OR DEMOCRATIC.)

POLL BOOK.

Of a primary election held in the..... primary district
of the ward, of the city of Chicago, county of Cook, Illinois,
on the day of A. D. 190...

This is to certify that the within list is a correct list of (Republican
or Democratic) voters at a primary election held on the.....day of
..... A. D. ..., in the primary district of the
.....ward, in the city of Chicago, county of Cook, and State of
Illinois.

And that on said primary election day 190...,
the undersigned judges and clerks served, and are entitled to pay
therefor.

..... }
..... } Judges of Election.
..... }

..... }
..... } Clerks of Election.

Dated 190...

| NO. OF VOTES. | NAMES OF VOTERS. | RESIDENCE. |
|---------------|------------------|------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |

Such poll books shall otherwise be of the form, and shall contain the same certifications, as nearly as may be, as the poll books used in the regular elections, and such poll books shall be signed and attested in the same manner as poll books for the purpose of general elections.

2—3—17. One of the judges of such election shall receive the ballot from the voter and shall announce the residence and name of such voter in a loud voice; such ballot shall be folded by the voter in such a manner that the contents thereof cannot be seen without unfolding such ballot. If the judges of election are satisfied that the person offering to vote is a legal voter, whose name is registered on the regular election registry books, and are satisfied that he is a member of the political party holding such primary election, and, if no challenge is interposed, the judge receiving such ballot shall again announce to the clerks of election the residence and name of the person offering such ballot, and such judge shall mark with pencil or ink the initials of his own name on the back of such ballot as it is folded and thereupon such judge, after holding up and showing the ballot to be so marked, shall immediately, in the presence of the voter offering such ballot, and keeping the same in plain view of the judges and clerks of election and of such voters and challengers as may be present, deposit into the slot of the ballot box the ballot thus received and marked, and no other and thereupon the clerks of election shall enter upon the poll books in the proper column the name and proper successive number of each voter and his residence. The judges and clerks, and each of them, shall see to it that each ballot is endorsed, as aforesaid. If such person shall be challenged as disqualified, the person challenging shall assign his reason therefor, and thereupon one of said judges shall administer to the person offering to vote an oath to answer all questions truthfully, and if he shall take such oath he shall then be questioned by said judge or judges touching such cause of challenge, and touching any other cause of disqualification, and he may also be questioned by the person challenging him in regard to his disqualification and identity but if a majority of the judges are of the opinion that he is the person so registered and a voter qualified to vote at such party primary election, his vote shall then be received and deposited. But if the vote of a person apparently registered be rejected by such judges, such person may afterwards produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of said judges, in which it shall be stated how long he has resided in any precinct within such primary district, and in the county and State; that he is a male citizen of the United States,

and is a member of the political party holding such election, and is a duly qualified voter at such primary election in such district, and that he is the identical person so registered or so named. But the affidavit aforesaid shall be supported by an affidavit by at least two registered voters, who are householders residing in such primary district, stating their own residence and that they know such person to be a member of the political party holding such primary election, and that such person does reside at the place mentioned, and has resided in such primary district and in such election precinct, county and State for the length of time as stated by such person, which affidavit shall also be subscribed and sworn to as the affidavit last aforesaid. Whereupon the vote of such person shall be received and entered as other votes. But the clerks having charge of such poll book shall state in their respective poll books the facts in such case and the name of the person challenging and the affidavits so delivered to said judges shall be preserved and returned to the officer entitled to receive them. Any registered voter of the party in the district may challenge. Blank affidavits of the character aforesaid shall be sent out to judges of all the districts, and the judges of election shall furnish the same on demand and administer the oath without criticism. Such oaths, if administered by any other officer than a judge of election, shall not be received: *Provided*, that no judge, challenger or other person shall in bad faith, or for purpose of delay, challenge or question registered voters of the district.

2—3—18. The judges of election shall permit each different ticket of delegates to be represented by a challenger, who shall be a resident of the primary district chosen by a majority of those named for delegates on any particular ticket. Said challengers shall be protected in the discharge of their duty by the judges of election and the police. Said challengers shall be permitted to remain within the polling place in such a position as will enable them to see each person as he offers his vote; and said challengers may remain within the polling place throughout the canvass of the vote and until the returns are signed.

The challengers shall be permitted to remain so near that they can see the judges and clerks are faithfully performing their duties.

2—3—19. The judges of election shall admit one or more policemen to be present in said polling place at the time of such canvass. None but the officers of such primary election challengers and peace officers shall occupy such polling place except for the purpose of voting.

2—3—20. The judges of election shall have the power to administer and certify oaths required during the progress of any primary election held under this act, and they shall have authority to keep the peace, and to cause any person to be arrested for any breach of the peace or for any breach of election laws, or any interference with the progress of such election or of the canvass of the ballots, and it shall be the duty of all officers of the law present to obey the orders of such judges of election, and an officer making an arrest by the order of any judge for any violation of the provisions of this act shall be protected in making such arrest the same as if a warrant had been issued to him to make such arrest.

2—3—21. Immediately upon the closing of the polls the judges and clerks shall proceed to canvass the votes polled. If two or more ballots are found folded together and within each other, so as to appear to have been cast by the same person as one ballot, and (in) the inner ballot or ballots are without the proper initial mark, as provided in this act, then all such ballots so folded together, including the outer one, whether such outer one is properly marked on the back thereof as provided in this act or not, shall, as nearly as may be, in the same condition as found, be marked "stuffed," and such ballots shall be void and shall not be counted, and the same shall be placed in an envelope marked "stuffed ballots" which envelope shall be sealed and preserved, together with the other ballots. If the ballots remaining shall be found to exceed the number of names entered on the poll list, such judges and clerks shall reject the ballots, if any be found upon which the proper initial marks do not appear. If the number of ballots still exceeds the number of names entered on such poll list, the ballots remaining shall be replaced in the ballot box and the box closed and well shaken, and again opened, and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess, keeping a note of the number of such ballots and nothing [noting] the same on the statement of returns. Such judges and clerks shall then proceed to count, declare and record the votes in the following manner: The judges shall open all the ballots and place in separate piles those which contain the same names throughout. Each of the judges shall examine such separate piles and exclude from such piles any ballots which do not contain all the same names for all the same conventions. One of said judges shall then take one pile of the ballots which contain the same names and count them carefully, examining each name and convention on each of such ballots. Such judge shall then pass the ballots aforesaid to the judge sitting next to him, who shall count them in the same manner, and he shall then pass them to the third judge, who shall also count them in the same manner. The third judge shall then call the names of the persons named in such ballots and the conventions for which they are designated, together with the number of votes for each so far as counted, and the poll clerks shall tally the number of votes for each of such persons on tally sheets. When such judges have counted through such first pile of ballots containing the same names, and when the poll clerk shall have tallied the votes for each of the delegates named in such ballots they shall then take up the next pile of ballots containing the same names and shall count them in the same manner as last aforesaid. When the counting of each pile of ballots which contain the same names shall be completed the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice to the judges. The judges shall then canvass the other kind of ballots, which, in names or conventions, do not correspond with one another. They shall be canvassed separately by one of the judges, sitting between two other judges, which one judge shall read to the clerks from each such ballot each name and the convention for which such name is designated, and the other judges look-

ing at the ballot at the same time, and the poll clerks tallying the same. When all these ballots have been canvassed in this manner, the clerks shall compare their tallies together and ascertain the total number of votes received by each person, and when they agree upon the number, one of them shall announce in a loud voice to the judges the number of votes received by each person.

2—3—22. Such canvass shall not be adjourned or postponed until the several statements hereinafter required to be made by the judges and clerks have been made and signed by them. Upon the completion of such canvass, the judges of election shall declare the result thereof, and such declaration shall be *prima facie* evidence of the result. The judges of election shall make two statements of all the votes cast at such primary election. Such statement shall be substantially in the following form:

REPUBLICAN (OR DEMOCRATIC)

STATEMENT OF VOTES.

STATE OF ILLINOIS, }
County of..... } ss.

At a primary election held on the day of..... A. D. 190..
between the hours of 12 o'clock noon and 7 o'clock p. m., at.....
in the..... primary district of the..... ward of the city of
Chicago, county of Cook, and State of Illinois, the following named
persons received the number of votes annexed to their respective names
for the following described conventions, to-wit:

.....
.....
..... received..... votes for city convention
..... received..... votes for city convention
..... received..... votes for city convention
.....
..... received..... votes for ward convention
..... received..... votes for ward convention
..... received..... votes for ward convention
.....
.....

This is to certify that the foregoing statement, showing the total number of votes for each of the above mentioned persons for the conventions annexed to their respective names, is correct in every respect.

Given under our hands this day of
A. D. 19...

..... }
..... } Judges of Election.
..... }

(Witnessed by)

..... }
..... } Clerks of Election.

Such statements shall show the whole number of votes given for each person, and the convention for which he is designated, and such

judge shall certify that such statements are correct in every respect, and the clerks of election shall witness the same. Each such statement and each sheet of paper forming a part of such statement shall be subscribed by the judges and election clerks. If any judge or clerk shall decline to sign such statements, he shall state his reasons therefor in writing, and a copy thereof, signed by himself, shall be enclosed with each statement. One statement, after being made out as aforesaid, shall be enclosed in an envelope, properly endorsed and each of the judges shall write his name across every fold at which the envelope, if unfastened, could be opened, and the same shall, by one of such judges be addressed and carried to the office of the chairman of the central committee or managing committee of such political party, who filed the call or application for primaries, and the receipt of such chairman shall be taken therefor. The other statement shall also be enclosed in an envelope, which shall then be securely sealed, and each of the judges shall write his name across every fold at which the envelope, if unfastened, could be opened. On the outside of such envelope shall appear substantially the following words: "Statement of all Republican (or Democratic) votes cast at the Primary District of the ward of the City of Chicago, County of Cook, on the day of A. D. 19 .."

The envelope last aforesaid shall be addressed to the board of election commissioners, by the general election law charged with the duty of receiving and preserving election returns and one of the judges shall carry the same to such board and take a receipt for the same.

2—3—23. The judges of election of each primary district shall issue a certificate of election to each person who has received a plurality of all the votes cast for delegates to any particular convention from such primary district, and they shall deliver the same to the persons entitled thereto. In case two or more persons each receive the same and the highest number of votes cast for delegates to the convention, then the judges of election shall then and there decide by lot which person or persons shall be entitled to such certificates, and they shall issue to each such person so chosen such certificate, and make a note of such fact upon the statements provided for in this Act. Such certificate of election shall be evidence *prima facie* of the right of the person therein named to a seat in the convention therein named.

2—3—24. Any person who shall wilfully, corruptly and falsely swear or affirm in taking any oath or affirmation prescribed by or upon any examination provided for in this Act, and every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be guilty of perjury or subordination [subornation] of perjury, as the case may be, and shall, upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

2—3—25. If any judge or clerk shall neglect or refuse to canvass the votes at the time and in the manner provided for in this Act, or refuse to make the returns required in this Act, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

2—3—26. Every judge of election, clerk or other officer or person authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at such election in any district, who shall wilfully make any false canvass of such votes, or who shall make, enter, write, sign, publish or deliver any false return of such election, or any false statement of the result of such election, or any material writing incidental to such election, knowing the same to be false, shall, on conviction thereof, be adjudged guilty of a felony under this Act.

2—3—27. If any person acting as judge at such primary election shall wilfully, fraudulently and without lawful excuse refuse to make out, sign or deliver to the person entitled thereto any certificate of election as delegate, provided for in this Act, or shall wilfully and fraudulently make out, sign and issue such certificate of election to any person not entitled thereto, or shall issue such certificate of election to any person at any time in advance of the official count of the votes at such polling place, or shall commit any other wilful or fraudulent act with reference to such certificate, such person shall, upon conviction thereof, be adjudged guilty of a felony under this Act.

2—3—28. If any judge of election shall, without urgent necessity, absent himself from the polling place during election, whereby less than a majority of all the judges of such election district shall be present during such hours of election or canvass of ballots; or if at any election any judge of election or clerk shall, knowingly and wilfully, receive any vote, or proceed with the canvass or ballots, or shall consent thereto, unless a majority of the judges of election are present and concur, such judge or such clerk shall be guilty of a misdemeanor under this Act.

2—3—29. Any judge of election who shall wilfully exclude any vote duly tendered and unchallenged, knowing that the person offering the same is lawfully entitled to vote at such election, or who shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualifications as may be required by law, shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

2—3—30. If any judge of election shall knowingly and wilfully cause or permit any ballot or ballots, or semblance thereof, to be in the ballot box at the opening of the polls and before voting begins, or shall knowingly, wilfully and fraudulently put or permit to be put, any ballot, or other paper having the semblance thereof, into any such box at any such election:

Or if any person, other than a judge of election, shall at any such election wilfully and fraudulently put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes;

Or if any person shall at such election fraudulently change or alter the ballot of any elector or substitute one ballot for another;

Or if any such judge of election or other officer or person shall fraudulently, during the canvass of ballots, in any manner change, substitute or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed;

Every such judge or person shall, upon conviction thereof, be adjudged guilty of a felony under this Act.

2—3—31. If any judge of election, clerk or other officer of election, of whom any duty is required in this Act or by the general laws of this State, for the omission of which duty no punishment is provided, shall be guilty of any wilful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

2—3—32. Any person, or any member of a board, or any judge of election, clerk or other officer, who is guilty of stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing, falsifying, or unlawfully removing or secreting or detaining the whole or any part of any ballot box or receptacle for ballots, or any record, registry of voters, or copy thereof, oath, return or statement of votes, certificate, poll list, or of any paper or document provided for in this Act:

Or who shall fraudulently make any entry, erasure or alteration therein except as allowed and directed by the provisions of this Act, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony under this Act.

Every person who advises, procures or abets the commission of any of the acts mentioned in the last preceding two paragraphs shall, upon conviction thereof, be adjudged guilty of a felony under this Act.

2—3—33. If any person knowingly or wilfully shall obstruct, hinder or assault, or by bribery, solicitation or otherwise interfere with any judge of election, clerk or challenger, in the performance of any duty required of him, or which he may be by law authorized or permitted to perform:

Or if any person, by any of the means before mentioned or otherwise, unlawfully shall, on the day of election, hinder or prevent any judge of primary election, clerk or challenger in his free attendance and presence at the place of election in the primary election district in and for which he is appointed or designated to serve;

Or in his full and free access and egress to and from any such place of election;

Or, shall molest, interfere with, remove or eject from any such place of election any such judge of election, clerk or challenger, except as otherwise provided in this Act, or shall unlawfully threaten, or attempt or offer so to do;

Every such person shall be guilty of a misdemeanor under this Act.

2—3—34. If any person shall wilfully disobey any lawful command of any judge of election, given in the execution of his duty as such, at any such primary election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

2—3—35. If, on any day of primary election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or be guilty of any disorderly violence, or threats of violence, whereby any such election or canvass shall be impeded or hindered or whereby the lawful proceedings of any judge of election, or clerk, or other officer of such election, or challenger, are interfered with, or causes intoxicating liquors to be brought or sent to the polling place, every such person, shall upon conviction thereof, be guilty of a misdemeanor under this Act.

2—3—36. Any person who votes with a certain party at such primary election, when he knows he is not qualified so to vote under the provisions of this Act, shall, upon conviction thereof, be deemed guilty of a misdemeanor under this Act.

2—3—37. If any person who shall have been convicted of bribery, felony or other infamous crime under the laws of any State, and who has never received a pardon for such offense from the officer or board entitled to grant such pardon, shall thereafter vote, or offer to vote, at any primary election in such city, village or incorporated town, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

2—3—38. If any person, knowing that he is not qualified to vote at such primary election takes a place in any line of voters waiting to vote at any election, or if any person, after having voted at such election, takes a place in such waiting line, or if any person repeatedly takes a place in such waiting line without voting when the opportunity comes, and who systematically gives up his place in such waiting line, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

2—3—39. If, at any such election, any person shall falsely personate any elector legally qualified to vote at such primary election, and vote, or attempt or offer to vote, in or upon the name of such elector or other person, living or dead; or shall knowingly, wilfully or fraudulently vote or attempt or offer to vote more than once, or vote in more than one primary district; or shall by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly, or indirectly, influence or attempt to influence any elector in giving his vote;

Or shall unlawfully prevent or hinder, or unlawfully attempt to prevent or hinder, any qualified voter from freely exercising the right of suffrage;

Or shall, by any such unlawful means, compel or induce, or attempt to compel or induce, any judge of election or other officer, to receive the vote of any person not legally qualified or entitled to vote at the said election;

Or by any such means, or other unlawful means, wilfully, knowingly or fraudulently counsel, advise, induce, or attempt to induce, any judge of election or other officer of election, whose duty it is to ascertain, proclaim, announce or declare the result of any such election, to give or make any false certificate, document, report, return or other

false evidence in relation thereto, or to refuse to comply with his duty, as specifically provided for in this Act, or to refuse to receive the vote of any person entitled to vote therein;

Or shall aid, counsel, advise, procure or assist any legally qualified voter, person or judge of election, or other officer of election, to do any act by law forbidden, or in this Act constituted an offense;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

2—3—40. If any person shall, at any such election, fraudulently furnish any elector with a ballot containing more than the proper number of names;

Or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote; or otherwise defraud him of his vote; or if any person shall order or cause to be printed a bogus or partly bogus primary ticket, or a primary ticket of delegates or alternates without first having secured the consent of each person named on such ticket to stand as delegate or alternate delegate for a specified convention on that particular ticket of names; or if any person causes to be brought or sent to the vicinity of a polling place such unauthorized tickets in order that they may be distributed;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

2—3—41. Any person who shall make, seek or obtain for himself or another, a false certificate of election as delegate or alternate delegate to any convention, knowing that he or such other person is not entitled thereto, and any person who shall use, or attempt to use, such certificates of election, knowing the same to be false or fraudulent, or to have been issued for another person; and any person who shall fraudulently, knowingly and without right, act as a delegate or alternate delegate to any such convention, shall, upon conviction thereof, be adjudged guilty of a felony under this Act.

2—3—42. If any person shall commit any act prohibited herein, or refrain from doing any act or duty required to be done herein, and if any person shall in any manner be guilty of a violation of this Act, whether the same is denominated an offense or not, and for which no punishment is herein specifically provided, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

2—3—43. Any person adjudged guilty of an offense denominated a misdemeanor under this Act shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000) or shall be imprisoned in the county jail not less than one month nor more than two years, or any such person may be punished by both such fine and imprisonment.

Any person adjudged guilty of an offense denominated a felony in this Act, shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

2—3—44. The word "householder," as used in this Act, shall mean the chief, or head, of a family, who resides with a family as a family and who supports and provides for such family as an independent family.

2—3—45. In all prosecutions and in all contests under this Act it shall be the lawful duty of the board of election commissioners or other officers having the custody thereof to produce, open, exhibit and offer in evidence any notice, ballot box, registry book, bundle of ballots, returns, statements or other documents or papers relating to the particular prosecution or contest for the purpose of enabling a full investigation.

2—3—46. Irregularities or defects in the mode of calling, noticing, convening, holding or conducting any primary election authorized by law shall constitute no defense to a prosecution for a violation of this Act. When an offense shall be committed in relation to any primary election an indictment for such offense shall be sufficient, if it allege that such election was authorized by law, without stating the call or notice of election aforesaid, the names of the judges or clerks holding such election, or the names of the persons voted for at such election. Judicial notice shall be taken of this Act in any county, city, village or incorporated town to which this Act shall apply, and of the holding of any election thereunder on any primary election day.

2—3—47. It shall be the duty of the board of election commissioners to make all necessary rules, instructions and regulations not inconsistent with the provisions of this Act, with reference to the conduct of primary elections held in accordance with the provisions contained herein.

ARTICLE III.

THE MAYOR.

3—1. The chief executive officer of the city shall be the mayor, who shall be a citizen of the United States and a qualified elector of the city, who shall have been a resident of the city for at least five years immediately preceding his election, and who shall be elected for a term of four years.

The first election for mayor after this charter shall have taken effect shall take place on the first Tuesday of April in the year 1911. The mayor holding office at the time of this charter shall take effect shall continue to hold office until his successor shall be elected and have qualified.

3—2. The mayor shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office.

3—3. If the mayor, at any time during the term of his office, shall cease to be a resident of the city, his office shall thereby become vacant.

3—4. Whenever a vacancy shall happen in the office of the mayor, in case the unexpired portion of the term shall be one year or more from the date when the vacancy occurs, it shall be filled at the next election held in and for the entire city.

3—5. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next regular election for mayor, and until his successor is elected and has qualified.

3—6. During the temporary absence or disability of the mayor, the presiding officer of the council shall temporarily act as mayor.

The presiding officer of the council shall also temporarily act as mayor in a case of a vacancy in the office of the mayor until such vacancy can be filled, as hereinbefore provided.

The person temporarily acting as mayor shall not exercise any power of appointment to or removal from office until the absence or disability of the mayor shall have continued thirty days; or sign, approve or disapprove any ordinance or resolution until the day of the next regular meeting of the council, occurring not earlier than five days after the passage thereof.

3—7. The mayor shall annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient. He may introduce measures subject to the general rules of procedure of the council and shall have a seat in the council, but no vote.

3—8. He shall perform all such duties as may be prescribed by law or by the city ordinances.

3—9. He shall have the power at all times to examine and inspect the books, records and papers of any agent, employé or officer of the city.

3—10. He shall have power to administer oaths and affirmations upon all lawful occasions.

3—11. The mayor shall have power to remove any officer appointed by him, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail, or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense.

3—12. The mayor shall have the power to release any person imprisoned for violation of any ordinance; he may, if he sees fit, appoint a pardon board of three persons consisting of the superintendent of the house of correction and such inspectors thereof as the mayor may select. In case such board be appointed, all petitions for release from the house of correction shall in the first instance be addressed

to the pardon board, and shall be by such board forwarded to the mayor, with the report of its findings and recommendations.

The mayor shall report any release, with the cause thereof, to the council at its first session thereafter.

3—13. The mayor may exercise, within the city limits, the powers conferred upon sheriffs to suppress disorder and keep the peace. He shall have the power, when he deems it necessary, to call on every male inhabitant of the city over the age of 18 years to aid in enforcing laws and ordinances, in the same manner as the sheriff may call on the power of the county, and to call out the militia to aid in suppressing riots and other disorderly conduct or carrying into effect any law or ordinance, subject to the authority of the Governor as commander-in-chief of the militia.

ARTICLE IV.

THE CITY COUNCIL.

4—1. All aldermen holding office when this Act shall take effect shall continue to hold office until the expiration of their respective terms, in accordance with the laws now in force.

Aldermen shall be elected on the first Tuesday of April, 1908, in accordance with the laws now in force, except that they shall be elected for the term of one year only.

From and after the 8th day of April, 1908, the city shall be divided into fifty wards, and one alderman shall be elected from each ward for a term of four years, the first election of aldermen from such wards to be held on the first Tuesday of April, 1909.

4—2. The fifty wards shall be as follows:

First Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the center line of the mouth of the Chicago river, thence west and south along the center line of said river to the center line of Twenty-second street, projected, thence east along the center line of Twenty-second street, projected, to the shore of Lake Michigan, thence north along the shore of Lake Michigan to the center of the mouth of the Chicago river, shall be denominated and be the First (1) ward.

Second Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and center line of Twenty-second street, projected, thence west along the center line of Twenty-second street to the center line of South Clark street, thence south along the center line of South Clark street to the center line of Twenty-sixth street, thence west along the center line of Twenty-sixth street to the center line of Wentworth avenue, thence south along the center line of Wentworth avenue to the center line of Thirty-second street, thence east along the center line of Thirty-second

street to the center line of Calumet avenue, thence south along the center line of Calumet avenue to the center line of Thirty-third street, thence east along the center line of Thirty-third street, projected, to the shore of Lake Michigan, thence north along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Second (2) ward.

Third Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the center line of Thirty-third street, projected, thence west along the center line of Thirty-third street to the center line of Calumet avenue, thence north along the center line of Calumet avenue to the center line of Thirty-second street, thence west on the center line of Thirty-second street to the center line of Clark street, thence south along the center line of Clark street to the center line of (Thirty-ninth street) the township line dividing the township of Hyde Park and town of South Chicago, thence east along the center line of said township line to the shore of Lake Michigan, thence northerly along the shore of Lake Michigan to the center line of Thirty-third street, projected, shall be denominated and be the Third (3) ward.

Fourth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of Twenty-second street, projected, and the center line of South branch of the Chicago river, thence southwest along the center line of the South branch of the Chicago river to the center line of South Halsted street, thence south along the center line of South Halsted street to the center line of Thirty-third street, thence east along the center line of Thirty-third street to the center line of Wentworth avenue, thence north along the center line of Wentworth avenue to the center line of Twenty-sixth street, thence east along the center line of Twenty-sixth street to the center line of Clark street, thence north along the center line of Clark street to the center line of Twenty-second street, thence west along the center line of Twenty-second street to the place of beginning, shall be denominated and be the Fourth (4) ward.

Fifth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of Halsted street, projected, and the center line of the Chicago river, thence southwesterly along the center line of the said river and the Illinois and Michigan Canal to the center line of Thirty-ninth street, thence east along the center line of Thirty-ninth street to the center line of South Center avenue, projected, thence north along the center line of South Center avenue, projected, to the center line of Thirty-first street, thence east along the center line of Thirty-first street to the center line of Halsted

street, thence north along the center line of Halsted street, projected, to the center line of the Chicago river, shall be denominated and be the Fifth (5) ward.

Sixth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of Halsted street and Thirty-first street, thence west along the center line of Thirty-first street to the center line of South Center avenue, thence south along the center line of South Center avenue to the center line of Thirty-ninth street, thence east along the center line of Thirty-ninth street to the center line of Clark street, thence north along the center line of Clark street to the center line of Thirty-second street, thence west along the center line of Thirty-second street to the center line of Wentworth avenue, thence south along the center line of Wentworth avenue to the center line of Thirty-third street, thence west along the center line of Thirty-third street to the center line of South Halsted street, thence north along the center line of South Halsted street to place of beginning, shall be denominated and be the Sixth (6) ward.

Seventh Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the northeast corner of the township of Hyde Park, thence west along said township line to the center line of South State street, thence south along said center line of South State street to the center line of Forty-sixth street, thence east along the center line of Forty-sixth street to the center line of Prairie avenue, thence north on the center line of Prairie avenue to the center line of Forty-fourth street, thence east on the center line of Forty-fourth street to the center line of St. Lawrence avenue, thence north along the center line of St. Lawrence avenue to the center line of Forty-third street, thence east on the center line of Forty-third street, projected, to the shore of Lake Michigan, thence northwesterly along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Seventh (7) ward.

Eighth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore line of Lake Michigan and the center line of Forty-third street, projected, thence west along the center line of Forty-third street to the center line of St. Lawrence avenue, thence south along the center line of St. Lawrence avenue to the center line of Forty-fourth street, thence west along the center line of Forty-fourth street to the center line of Prairie avenue, thence south along the center line of Prairie avenue to the center line of Forty-sixth street, thence west along the center line of Forty-sixth street to the center line of South State street, thence south along the center line of South

State street to the center line of Fifty-first street, thence east along the center line of Fifty-first street to the center line of Cottage Grove avenue, thence south along the center line of Cottage Grove avenue to the center line of Fifty-second street, thence east along the center line of Fifty-second street, projected, to the shore of Lake Michigan, thence northwesterly along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Eighth (8) ward.

Ninth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the center line of Fifty-second street, projected, thence west along the center line of Fifty-second street, projected, and the center line of Fifty-second street to the center line of Cottage Grove avenue, thence north along the center line of Cottage Grove avenue to the center line of Fifty-first street, thence west along the center line of Fifty-first street to the center line of South State street, thence south along the center line of South State street to the center line of Sixtieth street, thence east along the center line of Sixtieth street, projected, to the shore of Lake Michigan, thence northwesterly along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Ninth (9) ward.

Tenth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the center line of Sixtieth street, projected, thence west along the center line of Sixtieth street, projected, to the center line of Greenwood avenue, thence south along the center line of Greenwood avenue to the center line of Sixty-third street, thence east along the center line of Sixty-third street to the center line of Greenwood avenue, thence south along the center line of Greenwood avenue to the center line of Sixty-fifth street, thence west along the center line of Sixty-fifth street to center line of Greenwood avenue, thence south along the center line of Greenwood avenue, projected, to the center line of Seventy-first street, thence east along the center line of Seventy-first street to the center line of Jackson Park avenue (Stony Island avenue), thence south along the center line of Jackson Park avenue (Stony Island avenue) to the center line of Eighty-ninth street, thence east along the center line of Eighty-ninth street, projected, to the shore of Lake Michigan, thence northwesterly along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Tenth (10) ward.

Eleventh Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the center line of Eighty-ninth street, projected, thence west along the center line of Eighty-ninth street, projected, to the center line of Jackson Park avenue (Stony Island avenue) and Jackson Park avenue

(Stony Island avenue), projected, through Lake Calumet to the intersection of the east line of sections twenty-six and thirty-five, township thirty-seven north, range fourteen, thence south along said section line to the city limits, thence east along city limits to the Indiana state line, thence north along the Indiana state line to the shore of Lake Michigan, thence northwesterly along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Eleventh (11) ward.

Twelfth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of Jackson Park avenue, Stony Island avenue and Eighty-seventh street, thence west along the center line of said Eighty-seventh street to the center line of South State street, thence south along the center line of South State street to the center line of West Ninety-ninth street, thence west along the center line of West Ninety-ninth street to the center line of Stewart avenue, thence south along the center line of Stewart avenue to the center line of West One Hundred and Third street, thence west along the center line of West One Hundred and Third street to the center line of South Halsted street, thence south along the center line of South Halsted street to the center line of West One Hundred and Eleventh street, thence west along the center line of West One Hundred and Eleventh street to the center line of South Peoria street, thence south along the center line of South Peoria street to the center line of West One Hundred and Fifteenth street, thence west along the center line of West One Hundred and Fifteenth street to the center line of South Ashland avenue, thence south along the center line of South Ashland avenue to the center line of West One Hundred and Twenty-third street, thence east along the center line of West One Hundred and Twenty-third street to the center line of South Halsted street, thence south along the center line of South Halsted street to the city limits, thence east, south and east along the city limits to the east line of sections 35 and 26, township 37 N. R. [north, range] 14, thence north along said section line, projected, through Lake Calumet to the center line of Jackson Park avenue, projected, thence north along the center line of Jackson Park avenue, projected, to the place of beginning, shall be denominated and be the Twelfth (12) ward.

Thirteenth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of Greenwood avenue and Sixtieth street, thence west along the center line of Sixtieth street to the center line of South State street, thence south along the center line of South State street to the center line of Eighty-seventh street, thence east along the center line of Eighty-seventh street to the center line of Jackson Park avenue (Stony Island avenue), thence north along the central line of Jackson Park avenue (Stony Island avenue) to the center line of Seventy-first street, thence west along the

center line of Seventy-first street to the center line of Greenwood avenue, projected, thence north on the center line of Greenwood avenue, projected, to the center line of Sixty-fifth street, thence east along the center line of Sixty-fifth street to the center line of Greenwood avenue, thence north on the center line of Greenwood avenue to the center line of Sixty-third street, thence west along the center line of Sixty-third street to the center line of Greenwood avenue, thence north along the center line of Greenwood avenue to the place of beginning, shall be denominated and be the Thirteenth (13) ward.

Fourteenth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of Seventy-first street and South State street, thence west along the center line of Seventy-first street to the center line of South Halsted street, thence north along the center line of South Halsted street to the center line of West Sixty-third street, thence west along the center line of West Sixty-third street to the center line of Loomis street, thence south along the center line of Loomis street to the center line of West Sixty-seventh street, thence west along the center line of Sixty-seventh street to the center line of South Forty-eighth avenue, thence south along the center line of South Forty-eighth avenue to the center line of West Eighty-seventh street, thence east along the center line of West Eighty-seventh street to the center line of South Western avenue, thence south along the center line of South Western avenue to the center line of West Hundred-Seventh street, thence east along the center line of West One Hundred-Seventh street to the center line of South Halsted street, thence north along the center line of South Halsted street to the center line of West One Hundred-Third street, thence east along the center line of West One Hundred-Third street to the center line of Stewart avenue, thence north along the center line of Stewart avenue to the center line of West Ninety-ninth street, thence east along the center line of West Ninety-ninth street to the center line of South State street, thence north along the center line of South State street to the place of beginning, shall be denominated and be the Fourteenth (14) ward.

Fifteenth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of South State street and Sixty-third street, thence west along the center line of Sixty-third street to the center line of South Halsted street, thence south along the center line of South Halsted street to the center line of Seventy-first street, thence east along the center line of Seventy-first street to the center line of South State street, thence north along the center line of South State street to the place of beginning, shall be denominated and be the Fifteenth (15) ward.

Sixteenth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of South State street and Fifty-fifth street, thence west along the center line of Fifty-fifth street to center line of South Aberdeen street, thence south along the center line of South Aberdeen street to the center line of West Sixty-third street, thence east along the center line of West Sixty-third street to the center line of South State street, thence north along the center line of South State street to place of beginning, shall be denominated and be the Sixteenth (16) ward.

Seventeenth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of South Aberdeen street and West Fifty-fifth street, thence west along the center line of West Fifty-fifth street to the center line of South Forty-eighth avenue, thence south along the center line of South Forty-eighth avenue to the center line of West Sixty-seventh street, thence east along the center line of West Sixty-seventh street to the center line of Loomis street, thence north along the center line of Loomis street to the center line of West Sixty-third street, thence east along the center line of West Sixty-third street to the center line of South Aberdeen street, thence north along the center line of South Aberdeen street to the place of beginning, shall be denominated and be the Seventeenth (17) ward.

Eighteenth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of South State street and Thirty-ninth street, thence west along the center line of Thirty-ninth street to the center line of South Center avenue, thence south along the center line of South Center avenue to the center line of West Fifty-fifth street, thence east along the center line of West Fifty-fifth street to the center line of South State street, thence north along the center line of South State street to the place of beginning, shall be denominated and be the Eighteenth (18) ward.

Nineteenth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of South Center avenue and West Thirty-ninth street, thence west along the center line of West Thirty-ninth street, projected, to the center line of South Forty-eighth avenue, thence south along the center line of South Forty-eighth avenue to the center line of West Fifty-fifth street, thence east along the center line of West Fifty-fifth street to the center line of South Center avenue, thence north along the center line of South Center avenue to the place of beginning, shall be denominated and be the Nineteenth (19) ward.

Twentieth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the shore line of Lake Michigan and the center line of Chicago avenue, thence west along the center line of Chicago avenue to the center line of the north branch of the Chicago river, thence south and southeasterly along the center line of the north branch of the Chicago river to the center line of the Chicago river, thence east along the center line of the Chicago river to Lake Michigan, thence northerly along the shore of Lake Michigan to the center line of Chicago avenue, shall be denominated and be the Twentieth (20) ward.

Twenty-first Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the shore line of Lake Michigan and the center line of North avenue, thence west along the center line of North avenue to the center line of Sedgwick street, thence south along the center line of Sedgwick street to the center line of Division street, thence west along the center line of Division street to the center line of Sedgwick street, thence south along the center line of Sedgwick street to the center line of Chicago avenue, thence east along the center line of Chicago avenue to the shore of Lake Michigan, thence northerly along the shore of Lake Michigan to the center line of North avenue, shall be denominated and be the Twenty-first (21) ward.

Twenty-second Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of North avenue and Sedgwick street, thence west along the center line of North avenue to the center line of the north branch of the Chicago river, thence south and southeasterly along the center line of the north branch of the Chicago river to the center line of Chicago avenue, thence east along the center line of Chicago avenue to the center line of Sedgwick street, thence north along the center line of Sedgwick street to the center line of Division street, thence east along the center line of Division street to the center line of Sedgwick street, thence north along the center line of Sedgwick street to the place of beginning, shall be denominated and be the Twenty-second (22) ward.

Twenty-third Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and Menominee street, projected, thence west along the center line of Menominee street, projected, to the center line of Larrabee street, thence south along the center line of Larrabee street to the center line of Willow street, thence west along the center line of Willow street to the center line of North Halsted street, thence north along the center line of North Halsted street to the center line of Center street, thence west along the center line of Center street to the center line of Racine

avenue, thence south along the center line of Racine avenue to the center line of Clybourn place, thence west along the center line of Clybourn place to the center line of the north branch of the Chicago river, thence southeasterly along the center line of the north branch of the Chicago river to the center line of North avenue, thence east along the center line of North avenue to the shore of Lake Michigan, thence north along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Twenty-third (23) ward.

Twenty-fourth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the center line of Fullerton avenue, thence west along the center line of Fullerton avenue to the center line of North Halsted street, thence south along the center line of North Halsted street to the center line of Willow street, thence east along the center line of Willow street to the center line of Larrabee street, thence north along the center line of Larrabee street to the center line of Menominee street, thence east along the center line of Menominee street, projected, to the shore of Lake Michigan, thence north along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Twenty-fourth (24) ward.

Twenty-fifth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of Racine avenue and Belmont avenue, thence west along the center line of Belmont avenue to the center line of the north branch of the Chicago river, thence southeasterly along the center line of the north branch of the Chicago river to the center line of Clybourn place, thence east along the center line of Clybourn place to the center line of Racine avenue, thence north along the center line of Racine avenue to the center line of Center street, thence east along the center line of Center street to the center line of North Halsted street, thence north along the center line of North Halsted street to the center line of Fullerton avenue, thence west along the center line of Fullerton avenue to the center line of Racine avenue, thence north along the center line of Racine avenue to the place of beginning, shall be denominated and be the Twenty-fifth (25) ward.

Twenty-sixth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the center line of Roscoe street, thence west along the center line of Roscoe street to the center line of Racine avenue, thence south along the center line of Racine avenue to the center line of Fullerton avenue, thence east along the center line of Fullerton avenue to the shore of Lake Michigan, thence northerly along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Twenty-sixth (26) ward.

Twenty-seventh Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the Indiana boundary line, thence southwesterly along the said Indiana boundary line of the center line of Howard street, projected, thence west along the center line of Howard street, projected, to the center line of Ridge road, thence south and southeasterly along the center line of Ridge road to the center line of Devon avenue, thence east along the center line of Devon avenue to the center line of North Clark street, thence south and southeasterly along the center line of North Clark street to the center line of Irving Park boulevard, thence east along the center line of Irving Park boulevard to the center line of Racine avenue, thence south along the center line of Racine avenue to the center line of Roscoe street, thence east along the center line of Roscoe street to the shore of Lake Michigan, thence northerly along the shore of Lake Michigan to the place of beginning, shall be denominated and be the Twenty-seventh (27) ward.

Twenty-eighth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of Ridge road and Howard street, projected, thence west along the center line of Howard street, projected, to the center line of North Kedzie avenue, projected, thence south along the center line of North Kedzie avenue, projected, to the center line of West Devon avenue, projected, thence east along the center line of West Devon avenue, projected to the center line of North Western avenue, thence south along the center line of North Western avenue to the center line of Irving Park boulevard (Graceland avenue), thence east along the center line of Irving Park boulevard (Graceland avenue) to the center line of North Clark street, thence northwesterly and northerly along the center line of North Clark street to the center line of Devon avenue, thence west along the center line of Devon avenue to the center line of Ridge road, thence northwesterly and northerly along the center line of Ridge road to the place of beginning, shall be denominated and be the Twenty-eighth (28) ward.

Twenty-ninth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of Racine avenue, projected, and Irving Park boulevard (Graceland avenue), thence west along the center line of Irving Park boulevard (Graceland avenue) to the center line of North Western avenue, thence south along the center line of North Western avenue to the center line of Belmont avenue, thence east on the center line of Belmont avenue to the center line of Racine avenue, thence north along the center line of Racine avenue, projected, to the center line of Irving Park boulevard (Graceland avenue), shall be denominated and be the Twenty-ninth (29) ward.

Thirtieth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of North Western avenue and West Devon avenue, projected, thence west along the center line of West Devon avenue, projected, to the intersection of the center line of North Sixty-fourth avenue, projected, thence north, northwest, northeast, west, north, west, south, west, south, west, southeast and south along the city limits to the center of West Bryn Mawr avenue, projected, thence east along the center line of West Bryn Mawr avenue, projected, to the center line of North Sixtieth avenue, projected, thence south along the center line of North Sixtieth avenue, projected, to the center line of West Irving Park boulevard, thence west along the center line of West Irving Park boulevard to the center line of North Seventy-second avenue, projected, thence south along the center line of North Seventy-second avenue, projected, to the center line of West Belmont avenue, thence east along the center line of Belmont avenue to the center line of North Central Park avenue, thence south along the center line of North Central Park avenue to the center line of Diversey avenue, thence east along the center line of Diversey avenue and boulevard, projected, to the center line of the north branch of the Chicago river, thence northwesterly along the center line of the north branch of the Chicago river to the center line of Belmont avenue, thence east along the center line of Belmont avenue to the center line of North Western avenue, thence north along the center line of North Western avenue to the place of beginning, shall be denominated and be the Thirtieth (30) ward.

Thirty-first Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of North Kedzie avenue and the center line of Diversey avenue, thence west along the center line of Diversey avenue to the center line of North Central Park avenue, thence north along the center line of North Central Park avenue to the center line of West Belmont avenue, thence west along the center line of West Belmont avenue to the center line of North Seventy-second avenue, thence south along the center line of North Seventy-second avenue to the center line of West North avenue, thence east along the center line of West North avenue to the center line of North Kedzie avenue, thence north along the center line of North Kedzie avenue to the center line of Diversey avenue, shall be denominated and be the Thirty-first (31) ward.

Thirty-second Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of the north branch of the Chicago river and Diversey boulevard, thence west along the center line of Diversey boulevard and avenue to the center line of North Kedzie avenue, thence south along the center line of North

Kedzie avenue to the center line of West North avenue, thence east along the center line of West North avenue to the center line of North Robey street, thence north along the center line of North Robey street to the center line of West Fullerton avenue, thence east along the center line of West Fullerton avenue to the center line of the north branch of the Chicago river, thence northwesterly along the center line of the north branch of the Chicago river to the place of beginning, shall be denominated and be the Thirty-second (32) ward.

Thirty-third Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of the north branch of the Chicago river and Fullerton avenue, thence west along the center line of Fullerton avenue to the center line of North Robey street, thence south along the center line of North Robey street to the center line of West Division street, thence east along the center line of West Division street to the center line of the north branch of the Chicago river, thence north and northwesterly along the center line of the north branch of the Chicago river to the place of beginning, shall be denominated and be the Thirty-third (33) ward.

Thirty-fourth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of the north branch of the Chicago river and West Division street, thence west along the center line of West Division street to the center line of North Ashland avenue, thence south along the center line of North Ashland avenue to the center line of West Kinzie street, thence east along the center line of West Kinzie street to the center line of the north branch of the Chicago river, thence northwesterly along the center line of the north branch of the Chicago river to the place of beginning, shall be denominated and be the Thirty-fourth (34) ward.

Thirty-fifth Ward.

All that portion of the city of Chicago bounded as follows: Beginning at the intersection of the center line of North Ashland avenue and West Division street, thence west along the center line of West Division street to the center line of North Robey street, thence south along the center line of North Robey street to the center line of Washington boulevard, thence east along the center line of Washington boulevard to the center line of North Ashland avenue, thence north along the center line of North Ashland avenue to the place of beginning, shall be denominated and be the Thirty-fifth (35) ward.

Thirty-sixth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of North Robey street and West Chicago avenue, thence west along the center line of West

Chicago avenue to the center line of North Homan avenue, thence south along the center line of North Homan avenue to the center line of West Kinzie street, thence west along the center line of West Kinzie street to the center line of North Central Park avenue, thence south along the center line of North Central Park avenue to the center line of West Lake street, thence east along the center line of West Lake street to the center line of North Homan avenue, thence south along the center line of North Homan avenue to the center line of Washington boulevard, thence east along the center line of Washington boulevard to the center line of North Robey street, thence north along the center line of North Robey street to the place of beginning, shall be denominated and be the Thirty-sixth (36) ward.

Thirty-seventh Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of North Robey street and West North avenue, thence west along the center line of West North avenue to the center line of North Kedzie avenue, thence south along the center line of North Kedzie avenue to the center line of West Chicago avenue, thence east along the center line of West Chicago avenue to the center line of North Robey street, thence north along the center line of North Robey street to the place of beginning, shall be denominated and be the Thirty-seventh (37) ward.

Thirty-eighth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of North Kedzie avenue and West North avenue, thence west along the center line of West North avenue to the center line of Austin avenue, thence south along the center line of Austin avenue to the center line of West Kinzie street, thence east along the center line of West Kinzie street to the center line of North Homan avenue, thence north along the center line of North Homan avenue to the center line of West Chicago avenue, thence east along the center line of West Chicago avenue to the center line of North Kedzie avenue, thence north along the center line of North Kedzie avenue to the place of beginning, shall be denominated and be the Thirty-eighth (38) ward.

Thirty-ninth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of North Fortieth avenue and West Kinzie street, thence west along the center line of West Kinzie street to the center line of Austin avenue, thence south along the center line of Austin avenue to the center line of West Twelfth street, thence east along the center line of West Twelfth street to the center line of South Fortieth avenue, thence north along the center line of South and North Fortieth avenues to the place of beginning, shall be denominated and be the Thirty-ninth (39) ward.

Fortieth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of North Central Park avenue and West Kinzie street, thence west along the center line of West Kinzie street to the center line of North Fortieth avenue, thence south along the center line of North and South Fortieth avenue to the center line of West Twelfth street, thence east along the center line of West Twelfth street to the center line of Rockwell street, thence north along the center line of Rockwell street to the center line of Flournoy street, thence west along the center line of Flournoy street to the center line of South California avenue, thence north along the center line of California avenue to the center line of Warren avenue, thence west along the center line of Warren avenue to the center line of South Sacramento avenue, thence north along the center line of South Sacramento avenue to the center line of Washington boulevard, thence west along the center line of Washington boulevard to the center line of South Homan avenue, thence north along the center line of South Homan avenue to the center line of West Lake street, thence west along the center line of West Lake street to the center line of North Central Park avenue, thence north along the center line of North Central Park avenue to the place of beginning, shall be denominated and be the Fortieth (40) ward.

Forty-first Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of South Lincoln street and Washington boulevard, thence west along the center line of Washington boulevard to the center line of South Sacramento avenue, thence south along the center line of South Sacramento avenue to the center line of Warren avenue, thence east along the center line of West Warren avenue to the center line of California avenue, thence south along the center line of California avenue to the center line of Flournoy street, thence east along the center line of Flournoy street to the center line of Rockwell street, thence south along the center line of Rockwell street to the center line of West Twelfth street, thence east along the center line of Twelfth street and Twelfth street boulevard to the center line of Cypress street, thence north along the center line of Cypress street to the center line of West Taylor street, thence east along the center line of West Taylor street to the center line of South Robey street, thence north on the center line of South Robey street to the center line of Van Buren street, thence east along the center line of Van Buren street to the center line or limit of Winchester avenue, thence north along the center line of South Winchester avenue to the center line of West Madison street, thence east along the center line of West Madison street to the center line of South Lincoln street, thence north along the center line of South Lincoln street to the place of beginning, shall be denominated and be the Forty-first (41) ward.

Forty-second Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of North Sheldon street and West Kinzie street, thence west along the center line of West Kinzie street to the center line of North Ashland avenue, thence south along the center line of North Ashland avenue and Ashland boulevard to the center line of Washington boulevard, thence west along the center line of Washington boulevard to the center line of South Lincoln street, and south along the line of South Lincoln street to the center line of West Madison street, thence west along the center line of West Madison street to the center line of South Winchester avenue, thence south along the center line of South Winchester avenue to the center line of West Van Buren street, thence west on the center line of West Van Buren street to the center line of South Robey street, thence south along the center line of South Robey street to the center line of West Taylor street, thence east along the center line of West Taylor street to the center line of Loomis street, thence north along the center line of Loomis street to the center line of West Madison street, thence west along the center line of West Madison street to the center line of Sheldon street, thence north along the center line of Sheldon street to the place of beginning, shall be denominated and be the Forty-second (42) ward.

Forty-third Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of the north branch of the Chicago river and West Kinzie street, thence west along the center line of West Kinzie street to the center line of North Sheldon street, thence south along the center line of North Sheldon street to the center line of West Madison street, thence east along the center line of West Madison street to the center line of Loomis street, thence south along the center line of Loomis street to the center line of West Van Buren street, thence east along the center line of West Van Buren street to the center line of the south branch of the Chicago river, thence north along the center lines of the south branch and the north branch of the Chicago river to the place of beginning, shall be denominated and be the Forty-third (43) ward.

Forty-fourth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of the south branch of the Chicago river and West Van Buren street, thence west along the center line of West Van Buren street to the center line of Loomis street, thence south along the center line of Loomis street to the center line of Taylor street, thence west along the center line of Taylor street, to the center line of Laflin street, thence south along the center line of Laflin street to the center line of West Twelfth street, thence east along the center line of West Twelfth street to the center line of the south

branch of the Chicago river, thence north along the center line of the south branch of the Chicago river to the place of beginning, shall be denominated and be the Forty-fourth (44) ward.

Forty-fifth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of the south branch of the Chicago river and West Twelfth street, thence west along the center line of West Twelfth street to the center line of South Morgan street, thence south along the center line of South Morgan street to the center line of West Eighteenth street, thence west along the center line of West Eighteenth street to the center line of South Morgan street, thence south along the center line of South Morgan street to the center line of the south branch of the Chicago river, thence northeasterly along the center line of the south branch of the Chicago river to the place of beginning, shall be denominated and be the Forty-fifth (45) ward.

Forty-sixth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of South Morgan street and West Twelfth street, thence west along the center line of West Twelfth (12) street to the center line of Laflin street, thence south along the center line of Laflin street to the center line of the south branch of the Chicago river, thence northeasterly along the center line of the south branch of the Chicago river to the center line of South Morgan street, thence north along the center line of South Morgan street to the center line of West Eighteenth street, thence east along the center line of West Eighteenth street to the center line of South Morgan street, thence along the center line of South Morgan street to the place of beginning, shall be denominated and be the Forty-sixth (46) ward.

Forty-seventh Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of Laflin street and West Taylor street, thence west along the center line of West Taylor street to the center line of Cypress street, thence south along the center line of Cypress street to the center line of West Twelfth street, thence west along the center line of West Twelfth street to the center line of South Hoyne avenue, thence south along the center line of South Hoyne avenue to the center line of the Illinois and Michigan Canal, thence northeasterly along the center line of the Illinois and Michigan Canal and the south branch of the Chicago river to the center line of Laflin street, thence north along the center line of Laflin street to the place of beginning, shall be denominated and be the Forty-seventh (47) ward.

Forty-eighth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center lines of South Hoyne avenue and West Twelfth street, thence west along the center line of West Twelfth street to the center line of South Campbell avenue, thence south and southeasterly along the center line of South Campbell avenue to the center line of the Chicago, Burlington & Quincy Railroad right of way, thence southwesterly along the center line of the Chicago, Burlington & Quincy Railroad right of way to the center line of South California avenue, thence south along the center line of South California avenue, projected, to the center line of the Illinois and Michigan Canal, thence northeasterly along the center line of the Illinois and Michigan Canal to the center line of South Hoyne avenue, thence north along the center line of South Hoyne avenue to the place of beginning, shall be denominated and be the Forty-eighth (48) ward.

Forty-ninth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of South Campbell avenue and West Twelfth street, thence west along the center line of West Twelfth street to the center line of South Homan avenue, thence south along the center line of South Homan avenue to the center line of West Twenty-fifth street, thence west along the center line of West Twenty-fifth street to the center line of South St. Louis avenue, thence south along the center line of South St. Louis avenue to the center line of West Twenty-sixth street, thence east along the center line of West Twenty-sixth street to the center line of South Homan avenue, thence south along the center line of South Homan avenue, projected, to the center line of the Illinois and Michigan Canal, thence northeasterly along the center line of the Illinois and Michigan Canal to the center line of South California avenue, projected, thence north along the center line of South California avenue, projected, to the center line of the Chicago, Burlington & Quincy railroad right of way, thence northeasterly along the center line of the Chicago, Burlington & Quincy Railroad right of way to the center line of South Campbell avenue, thence north and northwesterly along the center line of South Campbell avenue to the place of beginning, shall be denominated and be the Forty-ninth (49) ward.

Fiftieth Ward.

All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center line of South Homan avenue and West Twelfth street, thence west along the center line of West Twelfth street to the center line of South Forty-sixth avenue, thence south along the center line of South Forty-sixth avenue to the center line of West Thirty-ninth street, projected, thence east along the center line of West Thirty-ninth street, projected, to the center line of the Illinois and Michigan Canal, thence northeasterly along the center line

of the Illinois and Michigan Canal to the center line of South Homan avenue, projected, thence north along the center line of South Homan avenue, projected, to the center line of West Twenty-sixth street, thence west along the center line of West Twenty-sixth street to the center line of South St. Louis avenue, thence north along the center line of South St. Louis avenue to the center line of West Twenty-fifth street, thence east along the center line of West Twenty-fifth street to the center line of South Homan avenue, thence north along the center line of South Homan avenue to the place of beginning, shall be denominated and be the Fiftieth (50) ward.

4—3. The city shall thereafter be redistricted by the city council in the year 1920 and every tenth year thereafter. The city council, upon redistricting the city under the authority of this section, may change the number of aldermen and their term of office, and may also alter the territorial basis of representation, provided that all wards shall be of compact and contiguous territory and as nearly as practicable equal to each other in population, and provided that the number of aldermen shall not be increased above fifty nor the term of their office be made longer than four years.

No ordinance altering the number of wards or of aldermen or the term of aldermen shall take effect until sixty days from and after its passage, and if within such sixty days fifteen (15) per cent of the voters of the city voting at the last preceding election for mayor, petition for the submission of such ordinance to popular vote, not until such ordinance shall have been approved by the voters of the city voting upon such proposition.

4—4. Whenever any city council, having the authority to redistrict the city, shall fail to have done so in a valid manner by a day fifty days previous to the day set for the next succeeding council election the board of election commissioners shall redistrict the city as the city council might have done before such date, but it shall have no power to change the number of aldermen or the term of office of aldermen.

The council elected by wards as redistricted by the board of election commissioners may adopt the wards so created or may create new wards until a day fifty days previous to the next regular election of aldermen. If it does neither, the wards so created shall continue until the next redistricting of the city under the provisions of this charter.

4—5. Any territory annexed to the city shall be made a part of an adjoining ward or wards, as the city council may determine.

4—6. If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy, if occurring more than six months before the expiration of the term of such alderman, shall be filled by special election.

4—7. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected; nor shall he be eligible, if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be eligible, if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any

office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council. No member of the city council shall at the same time hold any other civil office under the federal, State, county, sanitary district or city government except as notary public. Any person, who, with his consent, is elected to the city council shall be deemed to have vacated any office he may then be holding under the city government; if he is then holding any other incompatible office and does not resign the same within thirty days from his election, his seat in the council shall be deemed vacant. Any member of the council accepting and entering any such other office shall be deemed to have thereby vacated his seat in the council.

4—8. The aldermen elected in the year 1909 and thereafter shall receive compensation for their services at the rate of \$3,500.00 per annum.

The chairman of the finance committee of the city council shall receive, in addition to his salary as alderman, such additional sum, not exceeding \$1,500.00 per annum, as the city council may by ordinance determine for his services as such chairman.

Until changed as herein provided, compensation shall be paid to aldermen in accordance with the laws now in force.

4—9. The city council shall be judge of the election and qualification of its own members.

4—10. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen elected, may expel a member, but not a second time for the same offense: *Provided*, that any alderman who shall have been convicted of the offense of bribery under the laws of the State, shall thereby be deemed to have vacated his office.

4—11. A majority of the aldermen elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

4—12. The city council may prescribe, by ordinance, the times and places of the meeting thereof.

4—13. Upon the adoption of this charter, the mayor shall cease to preside over the city council, and the city council shall elect one of its members to act as presiding officer for such term as the council may by resolution or ordinance determine.

4—14. The city council shall sit with open doors.

4—15. It shall keep a journal of its proceedings.

4—16. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected to the city council shall be necessary to the passage of any such ordinance or proposition.

4—17. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

4—18. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

4—19. Special meetings of the council may be called by its presiding officer or in such other manner as the council may prescribe.

4—20. Nominations made by the mayor for offices which are subject to confirmation by the city council shall be acted upon by the council at a regular meeting subsequent to the one at which the nomination was submitted.

4—21. No ordinance shall be passed finally on the day it is introduced unless approved by an affirmative vote of two-thirds of all the members of the city council, except in the case provided for in section 24.

4—22. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

4—23. Upon the return of any ordinance by the mayor without his approval, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

4—24. If any ordinance of the city council be returned by the mayor to the council without his approval the mayor may submit with it a message stating his objections thereto and a substitute ordinance and if upon reconsideration of the vote by which the original ordinance was passed, it fails to be adopted, such substitute ordinance may forthwith be considered, unless two members of the council demand a reference of such substitute ordinance to a committee, and if such demand be made such substitute ordinance shall be so referred unless two-thirds of the members of the council vote in favor of immediate consideration thereof, and if such ordinance receives the affirmative vote of the majority of all members of the council present and voting, it shall take

effect and be in force in lieu of such vetoed ordinance, upon being deposited in the office of the city clerk and signed by the mayor, subject to the provision of section 27.

4—25. Upon the veto of any ordinance by the mayor, if two-thirds of all the members elected to the city council fail to pass the same, the veto of the mayor to the contrary notwithstanding, said ordinance shall not again be considered unless or until introduced as an original ordinance at a subsequent meeting; but this section shall not be construed to prevent the introduction and consideration of the substitute ordinance.

4—26. The style of an ordinance shall be "Be it ordained by the city council of the City of Chicago....."

4—27. All ordinances imposing any fine, penalty or imprisonment, and amendments thereto, and all ordinances making any appropriations shall within one month after they are passed, be printed and published in book or pamphlet form and no such ordinance shall take effect until ten days after it is so published. The city shall also publish in book or pamphlet form such ordinances of cities, towns and villages annexed to it at any time prior to or after the adoption of this charter as may remain in force after annexation. Such book or pamphlet shall be received as evidence as in the next section provided. All ordinances thus printed and published shall be kept on file in the office of the city clerk, properly indexed, and copies thereof shall be distributed as the city council may direct. All other ordinances, orders and resolutions shall take effect from and after their approval or passage over the veto of the mayor unless otherwise provided therein.

4—28. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the city council, such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

4—29. The city council shall have the power to provide by ordinance for the appointment by the mayor, with the approval of the city council, of a city clerk and to prescribe his term and tenure of office, his compensation and his duties.

The city clerk holding office when this charter takes effect, shall continue to hold office until the expiration of the term for which he has been elected.

4—30. The city clerk shall act as clerk of the city council and as such shall attend all meetings of the city council and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office or transcribed from the journals, and other records and files in his office certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

4—31. The clerk shall record, in a book kept for that purpose, all ordinances passed by the city council and shall index the same and at the foot of the record of each ordinance so recorded, shall make a

memorandum of the date of the passage and of the publication of such ordinances, which record and memorandum, or certified copy thereof, shall be *prima facie* evidence of the passage and legal publication of such ordinances for all purposes whatsoever.

4—32. The city clerk shall have power to administer oaths and affirmations upon all lawful occasions.

ARTICLE V.

POWERS OF THE COUNCIL IN GENERAL.

5—1. The city council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and shall be vested with powers of local legislation adequate to a complete system of local municipal government subject to the general laws of the State, as by the next following section provided.

The legislative powers of the city council shall be subject to the provisions of this charter; but the specification of particular powers by this charter shall not be construed as impairing the general grant of powers hereby bestowed except that no taxes shall be levied or be imposed by the city council other than as hereinafter provided.

5—2. The legislative power of the city council shall be further subject to all existing laws of the State not rendered inoperative by this charter and to all general laws hereafter enacted by the General Assembly in conformity with and subject to the constitution, but no general statute hereafter enacted relative to the government of the affairs of the cities of the State, or of cities containing a stated number of inhabitants and over, or allowing the formation of new municipal corporations in any part of the State, shall, in the absence of an express declaration of legislative intent to the contrary, be construed as applying to or operative within the city of Chicago.

5—3. The city council may provide for the carrying into effect of any of its powers by the creation of an appropriate official organization and by the delegation of adequate executive and administrative powers and duties, subject to the provisions of this charter.

5—4. Whenever this charter makes any provisions or regulations with regard to a matter, the regulation of which the legislature has power to delegate to the city council, the city council may adopt an ordinance regulating such matter in whole or in part, and submit to the voters of the city, in the manner provided for the submission of propositions to popular vote, the question whether the provisions of the charter (which shall be designated in the ordinance by title, article, chapter, and section as the case may be) regulating such subject matter shall be discontinued and the ordinance adopted by the city council be substituted in their stead. If the voters of the city shall vote in favor of such discontinuance and substitution, the provisions of the charter so designated shall from thenceforth be inoperative within the city, and the ordinance so adopted shall take effect. No ordinance amending or repealing such ordinance or amending or repealing any ordinance that may subsequently be substituted for it, shall go into effect until

such ordinance shall have been approved by a majority of the voters of the city voting upon the question.

This section shall not apply to the provisions on taxation or to the article on public utilities, or to the provisions vesting the control of the school system of the city in a board of education, or to any provisions of this charter expressly prohibiting or restraining the exercise of particular powers by the city or any department or officer thereof.

ARTICLE VI.

OFFICERS.

6—1. In addition to the officers provided for by this charter, or heretofore created by ordinance, the city council may in its discretion from time to time by ordinance passed by a vote of a majority of all the aldermen elected, provide for the election, by the legal voters of the city, or the appointment by the mayor with the approval of the city council, of all such officers as may, by the council, be deemed necessary or expedient. The city council may by a like vote, by ordinance or resolution to take effect at the end of the then fiscal year, discontinue any office heretofore or hereafter created by ordinance, and devolve the duties thereof on any other city officer; and no officer filling any such office so discontinued shall have any claim against the city on account of his salary after such discontinuance.

Any powers by this charter conferred or duties imposed upon any officers created by ordinance shall, if the office designated by the charter shall be abolished by the city council, be performed by the officer or officers upon whom the powers and duties of the office abolished are devolved.

6—2. The term officer as used in this charter shall refer to the incumbent of any place or position under the city government held for a fixed term of years. The term employé shall refer to any person holding any position in the classified service of the city. The term municipal officer or employé shall include judges, officers and employés of the municipal court. This rule of construction shall not apply where the context clearly requires a different interpretation.

6—3. All officers of the city, except as expressly otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the offices of the mayor and aldermen and of the judges and other officers of the municipal court shall be filled by like appointment) by and with the advice and consent of the city council.

The city council may by ordinance not inconsistent with the provisions of this Act prescribe the duties and define the powers of all such officers, together with the term of any such office and provided that no term of office so prescribed shall exceed four years.

Wherever any office is created to be held for a fixed term, the incumbent of such office shall hold such office until the expiration of his term and until his successor shall be elected or appointed and shall have qualified.

6—4. No person shall be eligible to any office other than that of superintendent of education, who shall not have resided in the city at least one year preceding his election or appointment, and no person shall be eligible to any office other than an office in the department of education, who shall not be a qualified elector of the city.

6—5. No officer or employé shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any Act or ordinance; nor in the purchase of any real estate or other property belonging to the city or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said city.

6—6. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the city council, or any officer or employé of the city, after or before his election or appointment as such officer or employé, any moneys, goods, right in action, or other property or anything of value, or of pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000, or both, in the discretion of the court. Every officer or employé who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the person so testifying shall not be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may give evidence.

6—7. No municipal officer or employé shall directly or indirectly ask for, demand or accept for his own use or for the use of another, any free pass, frank, gratuity, gratuitous service or discrimination from any person or corporation holding or using any franchise, privilege or special license granted by the city, and whose business is confined to the city of Chicago; but this prohibition shall not extend to the furnishing of free transportation to members of the police and fire departments while on duty, or to letter carriers of the government in uniform. Any municipal officer or employé soliciting or accepting any

such pass, frank, gratuity, gratuitous service or discrimination, or any person or corporation holding or using such franchise, privilege or license or any officer thereof, granting or offering the same, shall be guilty of a misdemeanor, and shall be punished as provided by law.

6—8. In case the mayor or any other municipal officer or employé shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, misconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction and, on conviction, shall be fined in a sum not exceeding \$1,000; and the court in which such conviction shall be had shall enter an order removing such officer from office.

6—9. The city council and any committee thereof duly thereunto authorized by the city council shall have the power to investigate any department of the city government, and the official acts and conduct of any city officer or employé, and the negotiation, terms, and performance of any public contract, and for the purpose of ascertaining the facts in connection with such investigation to compel the attendance and testimony of witnesses, and the production of relevant documents and books, in the same manner as such power is given to the civil service commission for the purpose of conducting investigations instituted by it.

6—10. The mayor and the city treasurer shall hold no other office under the city government during their respective terms of office. The council may create similar disqualifications with regard to any office established by ordinance.

All officers and employés of the city shall be exempt from jury service.

6—11. All appointive city officers and the city treasurer shall be commissioned by warrant under the corporate seal, signed by the mayor and (except in the case of the city clerk's commission) countersigned by the city clerk. The certificates of election issued to the mayor and the aldermen shall stand in place of their commissions.

Any person ceasing to hold office shall within five days after notification and request deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or appertaining to his office; and upon his refusal to do so shall be liable for all damages caused thereby and to such penalty as may by ordinance be prescribed.

6—12. All city officers (other than clerical employés), whether elective or appointed, shall before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of.....according to the best of my ability," which oath or affirmation so subscribed shall be filed in the office of the city clerk.

6—13. The city council shall have the power to require bonds of any municipal officer or employé, and fix the amount and penalty

thereof; and the security of any bond shall be approved by the city council or by some officer designated by it. A bond so required to be executed shall be filed in the office of the city clerk before the officer shall enter upon the duties of his office, except that the bond of the city clerk shall be filed with the city treasurer. The city council shall also have the power to require the giving of additional bonds and to increase or decrease the amount and penalty of the bond of any officer or employé and to require the giving of a new bond where the security of an original bond has become either insufficient or in any way impaired, upon penalty of removal from office. The power vested in the city council by this section shall be so administered as to protect the interests of the city from danger of financial loss, and shall never be used as a means of removing any person from the civil service of the city without a hearing before the civil service commission in accordance with law.

In such case the city employé or official whose office is sought to be declared vacant by reason of a failure to give a new, additional or increased bond, shall have the right to have a hearing before the civil service commission upon the question of his removal.

6—14. All officers or employés required to give bonds may offer as surety or sureties on their bonds, a surety company or companies authorized to do business in this State under the laws thereof, to be approved by the comptroller (but in which the comptroller shall not be interested), and the city council may in its discretion provide that the expense of any such bond be met out of the appropriation for the department to which such officer belongs, such expense not to exceed half of one per cent per annum on the amount of such bond.

6—15. An official bond not executed in accordance with legal requirements shall nevertheless be enforceable against the obligator and his surety or sureties; nor shall the execution of a new or additional bond affect the old bond or the liability of the sureties thereon.

6—16. The compensation of all the city officers and employés (other than such as are employed for less than a year) except as in this charter otherwise provided, shall be by salary to be fixed by the city council by the annual appropriation ordinance, and the compensation of no officer or employé (other than as before specified) shall be altered during the same fiscal year. No officer or employé shall be allowed any fees, perquisites, emoluments or any rewards or compensation aside from his salary, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

6—17. The city council may by ordinance provide in regard to the relation between the officers and employés of the city in respect to each other, the city and the public, and may provide for reasonable fines for violation of regulations made in that behalf. The city council shall by ordinance make rules and regulations not conflicting with law or with any general ordinance for the government of every city department, and for regulating the conduct and action of the employés in said department, which may be amended from time to time. The head of each department shall furnish every employé or member of his department with a copy of such rules and regulations.

ARTICLE VII.

CIVIL SERVICE.

7—1. There shall be a civil service commission consisting of three members who shall be appointed by the mayor by and with the advice and consent of the city council.

The mayor shall appoint a commissioner in place of the commissioner whose term of office would have expired within one year after this charter takes effect, for a term of two years; a commissioner in place of the commissioner whose term of office would have expired within the year next following, for a term of four years; and a commissioner in place of the commissioner whose term of office would have expired within one year thereafter, for a term of six years; and upon the expiration of the term of office of each commissioner so appointed his successor shall be appointed for a term of six years.

Two commissioners shall constitute a quorum. All appointments to said commission shall be so made that not more than two members shall, at the time of appointment be members of the same political party. Said commissioners shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by the constitution of this State.

7—2. All offices and places of employment heretofore classified shall remain classified, and the commissioners shall classify all other municipal offices and places of employment, created or authorized by the provisions of this Act or amendments thereto, with reference to the examinations hereinafter provided for, except those offices and places mentioned in section 11 of this article. The offices and places so classified by the commission shall constitute the classical civil service of such city; and no appointments to any of such offices or places shall be made except under and according to the rules hereinafter mentioned.

7—3. All rules heretofore made by the commission and now in force shall remain in force until repealed or altered, and the commission shall have power to make and alter rules to carry out the purposes of this article, and for examinations, appointments and removals in accordance with its provisions, and the commission may, from time to time, make changes in the original rules.

7—4. All changes in rules shall forthwith be printed for distribution by said commission; and the commission shall give notice of the place or places where said rules may be obtained by publication in one or more daily newspapers, published in the city, and in each publication shall be specified the date, not less than ten days subsequent to the date of such publication when said rules shall go into operation.

7—5. All applicants for offices or places in said classified service, except those mentioned in section eleven, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, health, habits and moral character. Such examinations shall be practical in their

character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and shall include tests of physical qualification and health, and when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty without extra compensation, to conduct such examination as the commission may direct, and to make return or report thereof to said commission, and the commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the commission may themselves at any time act as such examiners and without appointing examiners. The examiners at any examination shall not all be members of the same political party.

7—6. Notice of time and place and general scope of every examination shall be given by the commission by publication two weeks preceding such examination in a daily newspaper of general circulation published in the city, and such notice shall be posted by said commission in a conspicuous place in their office for two weeks before such examination. Such further notice of examination may be given as the commission shall prescribe.

7—7. From the returns or reports of the examiners, or from the examinations made by the commission, the commission shall prepare a register for each grade or class of positions in the classified service of the city of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

7—8. The commission shall, by its rules, provide for promotions in such classified service, and shall provide that vacancies shall be filled by promotion, in all cases where, in the judgment of the commission, it shall be for the best interests of the service so to fill such vacancy. If, in the judgment of the commission it is not for the best interests of the service to fill such vacancy by promotion, then such vacancy shall be filled by an original entrance examination: *Provided, however, that* the commission shall in its rules fix upon a credit based upon seniority and ascertained merit in service to be given to all employes in the classified service in the line of promotion who submit themselves to such original examination. All promotional examinations shall be limited to such members of the next lower rank or grade as desire to submit themselves to such examination. The method of examination and the rules governing the same and the method of certifying shall be the same as provided for applicants for original appointments.

7—9. The head of the department or office in which a position classified under this Act is to be filled shall notify said commission of

that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, except that, in cases of laborers where a choice by competition is impracticable, said commission may provide by its rules that the selections shall be made by lot from among those candidates proved fit by examination. In making such certification sex shall be disregarded, except when some statute, the rules of said commission or the appointing power specifies sex. The appointing officer shall notify said commission of each position to be filled separately, and shall fill such place by the appointment of the person certified to him by said commission therefor, which appointment shall be on probation for a period to be fixed by said rules. Said commission may strike of names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation the head of the department or office in which a candidate is employed may, by and with the consent of said commission, discharge him upon assigning in writing his reason therefor to said commission. If he is not then discharged his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or office may, with the approval of the commission, make temporary appointments to remain in force not exceeding sixty days, and only until regular appointments under the provisions of this article can be made.

7—10. Persons who were engaged in the military or naval service of the United States during the years 1861, 1862, 1863, 1864, 1865, or 1868, and who were honorably discharged therefrom, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, and it shall be the duty of the examiner or commissioner certifying the list of eligibles who have taken the examination provided for in this Act, to place the name or names of such persons at the head of the list of eligibles certified for appointment.

7—11. Officers who are elected by the people, or who are elected by the city council, or whose appointment is subject to confirmation by the city council, judges and clerks of election, members of the board of education, the superintendent, principals and teachers of schools, the superintendent of parks, heads of any principal department of the city, members of the law department, other than clerks and stenographers, all secretaries and stenographers actually performing service to the mayor, shall not be included in such classified service.

7—12. No person shall be removed from the classified civil service nor reduced in grade or compensation, except as hereinafter provided.

Whenever it will promote the efficiency of the service, removals from the classified service or reductions in grade or compensation, or both, may be made in any department of such service by the appointing power in the manner following: The person sought to be removed shall be served with a copy of the order of removal and notice of suspension from such service, and also written specifications; and such person shall have not less than three nor more than seven days to

answer the same in writing. A copy of the order, specifications and answer, if any, shall be filed with the commission, which shall promptly approve or disapprove of such order. Said commission may in its discretion investigate any removal or reduction, or may appoint some officer or investigating board to conduct such investigation, who shall thereupon investigate any such case which the commission has reason to believe has not been made for the purpose and in the manner herein provided. Such suspensions shall be without pay: *Provided, however*, that said commission in case of disapproval may direct that pay shall be restored.

Reductions in grade or compensation, or both, shall be made in the like manner, as near as may be, but without suspension pending such approval or disapproval. A copy of said papers in each case shall be made a part of the record of the division of the service in which the removal or reduction is made. No removal or reduction shall be effective if disapproved by the commission. All decisions by said commission or of the investigating officers, or board, when approved by said commission, shall be final, and shall be certified to the appointing officer and shall be forthwith enforced by such officer. Nothing in this Act shall limit the power of any officer to suspend a subordinate without pay for cause assigned in writing, a copy of which shall be delivered to such subordinate. Such suspension shall be for a reasonable period, not exceeding thirty days. In the course of any investigation provided for in this section, each member of the commission shall have the power to administer oaths, and said commission shall have the power to secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation.

Nothing in this section shall be construed to require charges or investigations in the case of laborers.

7—13. Immediate notice in writing shall be given by the appointing power, to said commission, of all appointments, permanent or temporary, made in such classified civil service, and all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said commission.

7—14. The commission shall investigate the enforcement of this Act and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in the city, and may inquire as to the nature, tenure and compensation of all offices and places in the public service thereof. In the course of such investigations each commissioner shall have power to administer oaths, and said commission shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

7—15. Said commission shall, on or before the fifteenth day of January of each year, make to the mayor for transmission to the city

council a report showing its own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purpose of this article. The mayor may require a report from said commission at any other time.

7—16. Said commission shall appoint a chief examiner, whose duty it shall be, under the direction of the commission, to superintend any examination held in the city under this article, and who shall perform such other duties as the commission shall prescribe. The chief examiner shall be *ex officio* secretary of said commission, under the direction of such commission; he, as such secretary, shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the commission shall prescribe.

7—17. All officers of the city shall aid said commission in all proper ways in carrying out the provisions of this Act, and at any place where examinations are to be held shall allow reasonable use of public buildings for holding such examinations. The mayor of the city shall cause suitable rooms to be provided for said commission at the expense of the city.

7—18. The salary of each of said commissioners shall be fixed by ordinance at not less than three thousand dollars per year; and the salary of the chief examiner shall be fixed by ordinance. Any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of the trial board, at the rate of five dollars per day, and said commission may also incur expenses not exceeding five thousand dollars per year, for clerk hire, printing, stationery and other incidental matters.

7—19. A sufficient sum of money shall be appropriated each year to carry out the provisions of this article in the city.

7—20. No person or officer shall wilfully or corruptly by himself or in co-operation with one or more other persons, defeat, deceive, or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing, or wilfully or corruptly make any false representation concerning the same, or concerning the person examined, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, being appointed, employed or promoted.

7—21. No applicant for examination for any office or place of employment in said classified service shall wilfully or corruptly, by himself or in co-operation with one or more other persons deceive the said commission with reference to his identity, or wilfully or corruptly make false representations in his application for examination, or commit any fraud for the purpose of improving his prospects or chances in such examination.

7—22. No officer or employé of such city shall solicit, orally or by letter, or receive or pay, or be in any manner concerned in soliciting, receiving or paying, any assessment, subscription or contribution for any party or political purpose whatever.

7—23. No person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment, for any party or any political purpose whatever, from any officer or employé in any department of the city government.

7—24. No person shall in any room or building occupied for the discharge of official duties by any officer or employé solicit, orally or by written communication, delivered therein, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk or employé under the government of the city, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for receiving or giving notice of any political assessments.

7—25. No officer or employé in the service of the city shall, directly or indirectly, give or hand over to any officer or employé in said service, or to any senator or representative or alderman, councilman or commissioner, any money or other valuable thing, on account of or to be applied to the promotion of any party or political object whatever.

7—26. No officer or employé of the city shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

7—27. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay, or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no officer or employé shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion.

7—28. No applicant for appointment or promotion in said classified civil service shall ask for or receive a recommendation or assistance from any officer or employé in said service, or of any person upon the consideration of any political service to be rendered to or for such person or for the promotion of such person to any office of appointment.

7—29. No person, while holding any office in the government of the city, or in nomination for, or while seeking a nomination for, or appointment to any such office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion

or increase of salary upon the consideration or condition that the vote or political influence or action of the last named person or any other shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

7—30. No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this article.

7—31. The commission shall certify to the comptroller all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal or resignation or death, and all findings made or approved by the commission under the provision of section twelve of this article, that a person shall be discharged from the classified civil service.

7—32. The comptroller shall not approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services as an officer or employé of the city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

7—33. The treasurer shall not pay, or be in any manner concerned in paying any person any salary or wages for services as an officer or employé of the city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

7—34. Any person who shall be served with a subpoena to appear and testify or to produce books and papers, issued by the commission or by any commissioner or by any board or person acting under the orders of the commission in the course of an investigation conducted either under the provisions of section 12 or section 14 of this article, and who shall refuse or neglect to appear or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in section 35 of this article. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State, and shall be paid from the appropriation for the expenses of the commission. Any circuit court of this State, or any judge thereof, either in term or vacation, upon application of any such commission, or officer or board, may in his discretion compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before such commissioner, investigating board or officer, by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before said court. Every person, who having taken oath or made affirmation before a commissioner or officer appointed by the commission, authorized to administer oaths, shall swear or affirm wilfully, corruptly and falsely shall be guilty of perjury, and upon conviction shall be punished accordingly.

7—35. Any person who shall wilfully, or through culpable negligence, violate any of the provisions of this article, or any rule promulgated in accordance with the provisions thereof, shall be guilty of a

misdemeanor, and shall on conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment in the discretion of the court.

7—36. If any person shall be convicted under the next preceding section, any public office or place of public employment which such person may hold shall, by force of such conviction, be rendered vacant, and such person shall be incapable of holding any office or place of public employment for the period of five years from the date of such conviction.

7—37. Prosecutions for violations of this article may be instituted either by the Attorney General, State's Attorney for the county in which the offense alleged to have been committed, or by the commission acting through special counsel. Such suits shall be conducted and controlled by the prosecuting officers who institute them, unless they request the aid of other prosecuting officers.

ARTICLE VIII.

CORPORATE POWERS.

8—1. The city of Chicago by that name shall continue to be a body politic and corporate, may sue and be sued, enter into contracts, and acquire and hold real and personal property for corporate purposes, and dispose thereof when no longer required for corporate purposes.

8—2. The city clerk shall keep the corporate seal to be provided under the direction of the city council, and all papers belonging to the city; and copies of all papers duly filed in his office certified by him under the corporate seal shall be evidence in all courts in like manner as if the originals were produced.

8—3. A suit may be brought by any tax payer in the name and for the benefit of the city against any person or corporation to recover any money or property belonging to the city or for any money which may have been paid, expended or released without authority of law, provided that such tax payer shall file a bond for all costs and be liable for all costs in case judgment should be rendered against the city.

8—4. No person shall be incompetent to act as judge, justice or juror by reason of his being an inhabitant or freeholder in the city in any action or proceeding in which the city may be a party in interest.

8—5. When in any suit the city prays an appeal from the judgment of any court of this State to a higher court it shall not be required to furnish any appeal bond.

8—6. No suit or action at law shall be brought or commenced in any court within this State for damages against the city by any person for an injury to his person unless such suit or action be commenced within one year from the time such injury was received or the cause of action accrued.

8—7. Any person who is about to bring any action or suit at law in any court against the city for damages on account of any personal injury shall, within six months from the date of injury or from the time the cause of action accrued, either himself, or by his agent or attorney, file in the office of the corporation counsel and in the office of the city clerk, a statement in writing signed by such person, his agent or attorney, giving the name of the person to whom such cause of action has accrued, the name and residence of the person injured, the date, and approximately the hour of the accident, the place or location where such accident occurred, the nature of his injury and of his claim, and the name and address of the attending physician if any.

8—8. If the notice provided for by the foregoing section shall not be so filed, then any such suit brought against the city shall be dismissed and the person to whom such cause of action accrued for any personal injury shall be forever barred from further suing.

8—9. The city council may accept any gift, bequest, devise or dedication of property to the city either within or outside of the city limits, the ownership or the proceeds of the sale of which will in its judgment be beneficial to the city, and may assume trusts which a municipality may lawfully perform.

No property given, devised or bequeathed to the city for the use of the public schools or of the public parks or of the public library, the ownership or management of which will entail any expense upon the city, shall be accepted by the city council without the consent of the head of the department out of whose appropriation the cost of maintenance is to be met.

8—10. The city may acquire property inside of the city limits by purchase or condemnation for any municipal purpose.

8—11. The city may acquire by purchase any property outside of the city limits if in the opinion of the council it is useful, advantageous or desirable for any municipal purpose.

8—12. The city may acquire property outside of the city limits by condemnation, for water works, sewers, and for park and boulevard purposes only.

8—13. The city may exercise the power of condemnation for the purpose of acquiring or extinguishing easements or riparian or other incorporeal rights.

8—14. The power of condemnation shall be exercised in conformity with the laws of the State concerning eminent domain, or in so far as property is condemned in connection with the making of local improvements, in conformity with the Act concerning local improvements approved June 14, 1897, and Acts amendatory thereof or in addition thereto.

8—15. Upon a judicial sale of property for the non-payment of a tax or special assessment or on execution upon judgment recovered by the city, or upon process issued in any suit to which the city is a party, the city may in default of other bidders bidding an amount sufficient to protect the city's interest, become the purchaser of such property and

may by ordinance authorize and make it the duty of any officer to attend such sale and bid thereat in behalf of the city. The city having bought in property sold for non-payment of any special tax or assessment shall pay the amount of the delinquent tax or assessment, with interest thereon, into the fund set apart for such tax or assessment, for the benefit of the holder or holders of any improvement bond or bonds issued on account thereof, when necessary to prevent a default in the payment of such bond or bonds. The failure to bid in behalf of the city at such sale shall not impair the right of the city to enforce all legal remedies for the collection of such special tax or assessment at any subsequent sale for unpaid taxes or assessments. Should the city incur any liability by reason of the ownership or management of the property bid in under the authority of this section, such liability shall be enforceable only out of such property and not out of any other funds or property of the city.

8—16. Any real property held by the city for any purpose whatever, may be sold in pursuance of an ordinance passed by three-fourths of the members elected to the city council at any regular meeting or at any special meeting called for such purpose when the same, in the opinion of the city council, shall be no longer necessary, appropriate or required for the use of the city, or shall be no longer profitable to the city, or its retention shall be no longer for its best interests; but the city council shall sell no property under the control or management of the department of parks without the written consent of the board of park commissioners, nor any property under the control or management of the department of education without the written consent of the board of education, nor any property under the control or management of the library board without the consent of the library board.

8—17. Such ordinance shall specify the location of such real property and the use thereof, and before any sale shall be made by virtue of any such ordinance such ordinance and proposition to sell shall be published in a daily paper once a week for eight successive weeks. Such notice shall contain an accurate description of such property, the purpose for which it is used, and at what meeting the bids will be considered and opened, and shall invite bids for such property. All such bids shall be opened only at a meeting of the city council and shall be accepted only by a vote of three-fourths of all its members.

8—18. Upon any bid having been accepted and the purchase price duly paid or secured, the mayor and city comptroller shall in the name of the city convey such real estate and transfer the same to such party or parties whose bids have been accepted by proper deed or deeds of conveyance, stating therein the consideration for which the property has been sold.

8—19. The city council may provide by ordinance that all supplies needed for the use of the city shall be furnished by contract let to the lowest responsible bidder.

8—20. Municipal services may be performed and municipal works carried out either through contracts entered into for that purpose or by the city directly by means of its own material and of labor employed by it.

This section shall not apply to works or improvements to be paid for wholly or in part by special taxation or special assessment.

For services performed by it, the city may charge such reasonable fees as may be prescribed by ordinance.

ARTICLE IX.

POLICE POWER.

9—1. The police power of the city shall extend to the prevention of crime, the preservation and promotion of local peace, safety, health, morals, order and comfort, and to the prevention of fraud and extortion within the community, by measures of regulation, licensing, requirement of bonds, examination, inspection, registration, restraint and prohibition, as well as by establishment of municipal services.

The words "regulate" or "control," as hereinafter used, shall include any or all of these methods that may be applicable, appropriate and legitimate.

9—2. The provisions of Cities and Villages Act of 1872, conferring upon cities jurisdiction beyond their territorial limits, shall continue to apply to the city of Chicago. That is to say:

1. The city shall have jurisdiction in and over all places within half a mile beyond its limits for the purpose of enforcing its health and quarantine ordinances and regulations.

2. It shall have jurisdiction within one mile beyond the city limits for the purpose of controlling or prohibiting the erection of cemeteries or of any offensive or unwholesome business or establishment.

3. It shall have jurisdiction within three miles beyond the city limits for the purpose of suppressing houses of ill fame or assignation.

4. It shall have jurisdiction to the extent of three miles beyond the limits of the city and of the territory owned by it, but not to exceed the limits of the State, over all waters bordering upon the city.

9—3. The mayor and the policemen of the city shall be conservators of the peace, and all officers created conservators of the peace by this article or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city, or any criminal law of the State, commit for examination and, if necessary, detain such persons in custody over night or Sunday in the police station or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of the city by any policeman of the city; such policeman being hereby clothed with all the statutory powers of constables for such purposes, and with all the powers of constables at common law.

It shall not be lawful for the corporate authorities of the city to employ or permit any person to act as deputy marshal or special constable or special policeman for the purpose of preserving peace, who

is not a citizen of the United States and who has not been an actual resident of the city one whole year before such authorization. Any violation of this provision shall be a misdemeanor and shall be punished by a fine not less than \$100.00 and not more than \$500.00.

9—4. The city council shall have the power to regulate the use of streets and other public places and of all public waters within the limits of the city's jurisdiction, and to regulate and control bridges, wharves, piers and landing places.

9—5. The city council shall have the power to establish fire limits within which wooden buildings may not be erected, replaced or repaired without permission, and to direct that all and any buildings within the fire limits when the same shall have been damaged by fire, decay or otherwise, to the extent of 50 per cent of the value thereof, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

9—6. The city council shall have power to maintain a fire department. The fire marshal or fire inspector, if any, shall have the power of compelling the attendance and testimony of witnesses for the purpose of ascertaining the causes and circumstances of fires occurring within the city.

9—7. No ordinance shall be enacted altering the limit of the height of buildings to be erected within the city of Chicago except by a vote of two-thirds of all members of the city council.

9—8. The city council shall have power to require railroad companies owning or operating railroads within the city to adopt all such measures with regard to the location, grade and general condition of their right of way, with regard to railroad crossings and with regard to the operation of trains as are in the judgment of the city council called for in the interest of the safety, comfort and convenience of the public, and for the security and protection of property.

9—9. The regulation by statute of a matter within the police power of the city shall not prevent the city council from prescribing additional regulations not conflicting with the statute, regarding the same subject matter.

9—10. The power of the city council to regulate, control or prohibit the manufacture, selling or giving away of intoxicating liquors and beverages, shall be subject to the provisions of the general laws of the State, except as specially modified by law with reference to the city of Chicago, and further subject to the terms and conditions upon which any district may have been or may hereafter be annexed to the city.

9—11. The city council shall have no power to license gambling houses or houses of ill fame.

9—12. The city council shall have power to regulate, license or prohibit the keeping of dogs and other animals within the city limits.

9—13. The city council shall have power to regulate the business and the charges of hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, wharfingers, ferrymen and all persons and corporations owning or managing public utilities or whose business is

carried on under special grants of license or privilege from the city, also to fix the rates of wharfage and dockage, also to regulate the price of bread.

9—14. The city council shall have power to provide for such fines, penalties and forfeitures for the violation of its ordinances, or of the ordinances of any of the city departments made under the authority of this charter, as it may deem proper, provided that no fine or pecuniary penalty shall exceed \$200.00 and no imprisonment shall exceed six months for any one offense.

9—15. The city council shall have power to fix the fees, terms and manner of issue and revocation of licenses, but no business or occupation license shall be revoked except for cause.

9—16. The city council may without prejudice to the other rights, powers and remedies of the city, provide that where any owner or occupant of property refuses or fails after such reasonable notice in writing as may be prescribed by ordinance to comply with a lawful order made under the authority of any law or ordinance, directing him to remove or abate any nuisance existing in respect of his property, such nuisance may be removed, or abated by or under the authority of the city at the expense of such owner or occupant, and the city shall be entitled to collect all reasonable charges incurred by it or under its authority in removing or abating such nuisance by legal proceedings brought against such owner or occupant.

9—17. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the city treasury at such times and in such manner as may be prescribed by ordinance, or by law.

9—18. Wherever a license or permit is required by ordinance for any act, thing or business, the city council may by ordinance provide for the prohibition under penalty and for the summary suppression of such act, thing or business until such license is obtained. Any license fee that has become payable may be collected as a debt.

9—19. The city may maintain an action in the municipal court of the city of Chicago, to restrain by injunction a violation of any of its ordinances enacted for the prevention or abatement of nuisances or for the protection of the public health, notwithstanding such ordinance may provide a penalty for such violation.

9—20. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of the city or of any of its departments, shall be brought in the corporate name of the city as plaintiff; and no prosecution, recovery or acquittal, for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

9—21. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail, city prison, workhouse, house of correction, or other place provided by the city for the

incarceration of offenders, until such fine, penalty and cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council shall have power to provide, by ordinance, that every person so committed shall be required to work for the city, at such labor as his or her strength will permit, within and without such prison, workhouse, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day; and for such work the person so employed to be allowed, exclusive of his or her board, \$2 for each day's work on account of such fine and cost.

ARTICLE X.

POWERS FOR AID, RELIEF AND CORRECTION.

10—1. The city council shall have the power to provide for the care of the indigent of the city, and in times of great public emergency or calamity to extend aid and relief to persons in distress and take such other measures as the situation may call for.

10—2. The city council shall have power in its discretion to indemnify persons whose property has been destroyed by or under the authority of officers of the fire department of the city in order to check the spread of a conflagration, or by or under the authority of the sanitary authorities of the city in order to check the spread of infectious and contagious diseases.

10—3. The city council shall have the power to establish, erect and maintain alms houses, municipal lodging houses and farms for unemployed persons, and free employment bureaus on the premises occupied by any lodging house, and creches for infant children, and to provide for the control and management of the same.

10—4. The city council shall have power to establish and maintain medical dispensaries, and to erect, establish, acquire and maintain hospitals either of general character, or of special character for particular classes of cases, which hospitals may be free or for pay, or partly free and partly for pay, as the council may determine, and shall have power to provide for the control and management of the same.

10—5. The city council shall have the power to establish and maintain jails, houses of correction, workhouses and work farms for the confinement and reformation of vagrants, disorderly persons and persons convicted of violating any city or departmental ordinance or of committing any misdemeanor. Provision shall be made for housing female offenders separately from male offenders, and juvenile offenders separately from adults.

The city council shall have power to provide for the government of such institutions.

The operation of an Act to establish workhouses, approved April 25, 1871, shall within or for the city of Chicago be superseded by any regulations made by or under the authority of the city council under the power hereby granted in so far as such regulations may be in conflict with the provisions of this act.

10—6. The city council shall also have power to provide for the care, training and reformation of juvenile delinquents or dependents and to establish institutions for that purpose.

10—7. The municipal authorities shall have power to enter into agreements and arrangements with the authorities of Cook county or other governmental authorities, for mutual coöperation in the prevention, detection, prosecution and punishment of crime, and in the work of reformation, correction, charity, aid or relief, and may make pecuniary grants in such aid of such work.

ARTICLE XI.

FINANCE.

11—1. The city council shall have power to control the city finances, to appropriate money for corporate purposes and to provide for the payment of the expenses and debts of the city.

The term corporate purposes shall be held to include any legitimate object of municipal interest or activity not contrary to the provisions and limitations of this charter, for which the legislature has power to authorize the expenditure of city funds or the exercise of the power of local taxation. The term municipal purposes, where used in this charter, shall be construed in like manner.

11—2. The fiscal year of this city shall commence upon the first of January of each year, or at such other time as may be fixed by ordinance.

11—3. The city council shall, within the quarter preceding the beginning of each fiscal year, or within the first quarter of such year (which year is herein referred to as the ensuing fiscal year), pass an ordinance to be termed the annual appropriation ordinance, in which it may appropriate such sums of money as it may deem necessary to defray all expenses and liabilities of the city, and in such ordinance shall specify the objects and purposes for which such appropriations are made and the amount appropriated for each object and purpose.

In case the passage of the annual appropriation ordinance shall be delayed until after the beginning of the fiscal year the city council may, during the period from the beginning of the year to the time of the taking effect of such ordinance, upon the recommendation of the finance committee authorize the comptroller to incur the periodical expenditures for current needs of the municipality to the extent that the same had been authorized for the corresponding period of the preceding year and also to incur expenditures for continuation of works that are in process of being carried out and that do not admit of interruption or delay.

11—4. Except as herein otherwise specially provided, the city expenditures in any one year shall not be increased over and above the amount provided for in the annual appropriation ordinance of that year, and no expenditure for any improvement to be paid for out of the general fund of the city shall exceed in any one year the amount provided for such improvement in the annual appropriation ordinance.

11—5. The city council shall have the power at any time to transfer any appropriation for any year which may be found to be in excess of the amount required for the purpose or object thereof, to any other purposes or objects for which the appropriations are insufficient or such as may require the same.

11—6. Except as next hereinafter provided, all appropriations shall be made for the ensuing fiscal year only, and shall lapse at the end of that year if not then exhausted.

The city council may by ordinance passed by a majority of all its members appropriate and set apart any portion of the revenue of the city as a special fund or funds to be maintained for and devoted to particular purposes. Moneys thus appropriated and set apart shall not lapse into the general fund at the end of the fiscal year as above provided, but the city council may by an ordinance passed by a vote of two-thirds of all its members transfer and appropriate the said fund or any part thereof to any other lawful purpose.

11—7. It shall not be lawful for any department or officer of the city to incur or contract any expense unless an appropriation shall have been made concerning such expense.

11—8. All contracts which are not to be satisfied and discharged out of appropriations previously made, or which create contingent liabilities that may accrue at a period later than the current fiscal year, shall be entered into only by or under authority of an ordinance specifically authorizing any such contract and stating its terms, and such ordinance shall be passed only by concurrence of two-thirds of all the members elected to the council.

11—9. The city council may, upon recommendation of the mayor, by a two-thirds vote of all its members, at any time order any expenditure the necessity of which is caused by an emergency happening after the annual appropriation ordinance has been made.

11—10. No money shall be expended for any celebration, procession, ceremony, reception or entertainment of any kind on any occasion unless by a vote of three-fourths of all the members elected to the city council.

11—11. The city council shall have power to reimburse and indemnify any officer or employé of the city for any expenses or for any liability incurred by him in the performance of his official duty, or while acting in an emergency in the interest of the city and of its inhabitants, and to provide for defending any suit or criminal prosecution brought against such officer by reason of such alleged liability, but this section shall not be construed as imposing any legal liability upon the city which would not otherwise exist by law.

11—12. The treasurer of the city of Chicago shall be elected by the voters of the city for a term of two years, and during such term shall hold no other office under the city government. No person shall be eligible to the office of city treasurer for two terms in succession.

11—13. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the comptroller stating the particular fund or appropriation to which the same is chargeable, and no money

for the payment of any debt, claim or demand against the city, shall be otherwise paid or transferred than upon such warrants so drawn.

11—14. Warrants payable on demand shall be drawn upon the city treasurer, or against any fund in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

11—15. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse the city for money expended for such improvement.

11—16. Neither the treasurer nor any other officer of the city of Chicago having public funds in his possession or custody shall be entitled to the interest accruing thereon or any part thereof, but such interest shall be paid into the city treasury to be applied according to law.

11—17. It shall be the duty of the comptroller, at least once in each year and not later than the 1st of December of each year to advertise for bids from all regularly established National and State banks doing business in the city for interest upon the money of the city to be deposited in such banks. Such bids shall be reported to the city council for its information and consideration not later than December 15th of each year to the end that any award or awards may be made upon such bids by the city council prior to the end of each fiscal year. Such awards shall be made to the highest and best responsible bidder or bidders. The city council shall have the power to reject all bids and to designate as many depositories as it deems necessary for the protection of the city's interests and accept bids accordingly. No bid shall be accepted from any financial institution other than a regularly organized State or National bank and no moneys shall be deposited with any bank or such award be effective until such depository shall have delivered to the comptroller a bond to the city in such sum and with such sureties as the city council shall approve, conditioned in like manner as other official bonds given by public officials charged with the custody of money. The city council shall have the power to pass all necessary ordinance to carry the foregoing provisions into effect and provide rules applicable thereto. The city treasurer shall be discharged from responsibility for all moneys deposited by him in pursuance to order or ordinance of the city council with any depositories who may be so named and qualified, and in fixing the amount of the bond of the city treasurer due regard shall be had by the city council to the effect of any such deposits upon the actual amount of money for which the treasurer may from time to time be held responsible. When money is once deposited in such depository or depositories no check or draft shall be drawn against such deposits for the payment of any debt claims or demand against the city, unless accompanied by a warrant attached thereto drawn in accordance with sections 13 and 14 of this article, a duplicate of such warrant to be retained by the treasurer: *Provided, however,* that for the purpose of transferring the city's money from one depository to another a check, payable to such depository and signed by the

city treasurer and countersigned by the city comptroller, need not be accompanied by such warrant. Such check shall express thereon that it is intended only for the purpose of transferring the city's money from one depository to another.

11—18. The treasurer shall keep all moneys belonging to the city in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the city money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the city council, which is hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

11—19. The treasurer shall report to the city council, as often as it shall require, a full and detailed account of all receipts and disbursements of the city as shown by his books up to the time of such report, and he shall annually, between the first and tenth of January, make out and file with the comptroller a full and detailed account of all such receipts and expenditures and of all his transactions as such treasurer during the preceding fiscal year and shall show in such account the state of the treasury at the close of the fiscal year.

11—20. It shall be the duty of the collector to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the mayor, comptroller, any member of the council or committee thereof. He shall weekly, and oftener if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the comptroller; but the comptroller shall, at the time, or on demand, give such collector a copy of any such receipt so filed.

11—21. The collector shall make a report in writing to the council or to any officer designated by the council of all moneys collected by him, the account whereon collected, or any other matter in connection with his office, when required by the council, or by any ordinance of the city. He shall also, annually, between the first and the tenth day of January, file with the comptroller, a statement of all the moneys collected by him during the year preceding the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands of any person or corporation in his use, the time of the return on all warrants which he shall have returned during the preceding fiscal year, to the city comptroller.

11—22. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands or in the hands of any person or corporation in his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this provision shall subject him to immediate removal from office by the mayor.

11—23. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or comptroller, or any member of the city council; and the collector shall every week, or oftener if the city council so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the comptroller.

11—24. The city council shall prescribe uniform forms of accounts, which are to be observed by all departments of the city, which receive or disburse moneys.

ARTICLE XII.

REVENUE.

12—1. The city council of the city of Chicago shall annually, not later than the first quarter of the fiscal year, by ordinance, levy a general tax on all real and personal property not exempt from taxation for corporate purposes, including general city, school, park, and library purposes, not exceeding in the aggregate, exclusive of the amounts levied for the payment of bonded indebtedness and the interest on bonded indebtedness five per centum of the assessed value of the taxable property within said city as assessed and equalized according to law for municipal purposes. The said city council in its annual levy shall specify the respective amounts levied for the payment of bonded indebtedness and interest on bonded indebtedness, the amount levied for general city purposes, the amount levied for educational purposes, the amount levied for school building purposes, the amount levied for park purposes and the amount levied for library purposes. A certified copy of such ordinance shall be filed in the county clerk's office. The county clerk shall extend upon the collector's warrant all of such taxes, subject to the limitation herein contained, in a single column as the city of Chicago tax. In case the aggregate amount levied, exclusive of the amount levied for the payment of the bonded indebtedness and the interest on bonded indebtedness, shall exceed five per centum of such assessed value such excess shall be disregarded, and the residue only treated as certified for extension. In such case all items in such tax levy except those for the payment of bonded indebtedness and the interest on bonded indebtedness shall be reduced *pro rata*. The taxes levied shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the city treasurer. The city treasurer of the city of Chicago shall keep separate funds in conformity to said tax levy, which funds shall be paid out by him, upon order of the proper authority for the purposes only for which the same were levied.

12—2. The board of education, the board of park commissioners and the library board of the city of Chicago shall respectively upon the request of the city council prepare and transmit to it, annually, statements of their receipts and expenditures for the current or preceding fiscal year (as the case may be) stating therein the sources of such

receipts and the several objects or purposes of such expenditures. They shall also respectively upon such request prepare and transmit to the city council estimates of their expenditures for the ensuing fiscal year stating therein the several objects and purposes of such expenditures.

12—3. The city council shall have power to impose a license tax upon any trade or business carried on wholly or in part within the city limits.

12—4. The city council shall have power to impose a license tax upon all wheeled vehicles used upon the streets, alleys or public places of the city or any particular class of such vehicles. The net proceeds of any such tax or taxes shall be applied exclusively to the repair and improvement of the streets and allays of the city.

12—5. Any license tax that has become payable may be collected as a debt. The city council may prescribe penalties for the non-payment of any license tax.

12—6. All corporations, companies and associations not incorporated under the laws of this State, and which are engaged in the city of Chicago in effecting fire insurance, shall pay to the treasurer of the city, for the maintenance, use and benefit of the fire department thereof, a sum not exceeding two per cent of the gross receipts received by their agency in the city; fifty per cent of the amount so collected to be set apart and appropriated to the fund for the pensioning of disabled and superannuated members of the fire department, and of the widows and orphans of deceased members of the fire department. The city may prescribe by ordinance the amount of tax or license fee to be fixed, not in excess of the above rate, and at that rate such corporations, companies and associations shall pay upon the amount of all premiums, which during the year ending on every first day of July shall have been received for any insurance effected or agreed to be effected in the city, by or with such corporation, companies or association, respectively. Every person who shall act in the city as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the 15th day of July of each and every year, render to the city comptroller a full, true and just account, verified by his oath, of all the premiums which, during the year ending on every first day of July preceding such report, shall have been received by him, or any other person for him in behalf of any such corporation, company or association, and shall specify in said report the amounts received for fire insurance. Such agent shall also pay to the city treasurer, at the time of rendering the aforesaid report, the amount of rates fixed by the ordinances for which the companies, corporations or associations represented by them are severally chargeable by virtue of this Act and the ordinance passed in pursuance hereof. If such account be not rendered on or before the day herein designated for that purpose, or if said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default, to transact any business of insurance in the city until the said requisition shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be taken in violation hereof.

12—7. Whenever the city is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purposes shall be included in the total amount levied by the city council, and certified to the county clerk as aforesaid; but the city council shall determine, in the ordinance making such levy, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.

ARTICLE XIII.

INDEBTEDNESS.

13—1. The city of Chicago may become indebted for municipal purposes to an amount (including its existing indebtedness and the indebtedness of the municipal corporations consolidated with the government of the city and whose indebtedness the city has assumed by this charter, and the city's proportionate share of the indebtedness of the county of Cook and of the sanitary district of Chicago, which share shall be determined as hereinafter provided) in the aggregate not exceeding five per centum of the full value of the taxable property within its limits as ascertained by the last assessment for municipal purposes previous to the incurring of such indebtedness.

13—2. For the purpose of determining such aggregate indebtedness the city's proportionate share in the indebtedness of the county of Cook shall bear the same ratio to the entire existing indebtedness of the county of Cook as the value of the taxable property within the city of Chicago bears to the value of the taxable property in the entire county of Cook, as ascertained by the last assessment for municipal and county purposes, respectively, previous to the incurring of such indebtedness. The amount of the indebtedness of the county of Cook shall upon request of the city comptroller be certified to such comptroller by the county clerk of Cook county under the seal of the board of county commissioners. If the city comptroller questions the correctness of such certificate, the amount of the county's indebtedness may be determined summarily by the circuit court of Cook county upon proceedings brought by the city against the county for that purpose. The certificate of the county clerk or the judgment of the circuit court, as the case may be, shall be recorded in the office of the recorder of deeds of Cook county and the amount thus recorded shall be conclusive as to the city's proportionate share in the indebtedness of the county of Cook for the purposes herein contemplated.

13—3. For the purpose of determining such aggregate indebtedness, the city's proportionate share in the indebtedness of the sanitary district of Chicago shall bear the same ratio to the entire existing indebtedness of the said sanitary district as the value of the taxable property of that portion of the city lying within said sanitary district

bears to the value of the whole taxable property in said sanitary district as ascertained by the last assessment for municipal or sanitary district purposes, respectively, previous to the incurring of such indebtedness. The amount of indebtedness of the sanitary district shall, upon request of the city comptroller, be certified to such comptroller by the clerk of the board of trustees of the sanitary district under the seal of such board. If the city comptroller questions the correctness of such certificate the amounts in dispute may be determined summarily by the circuit court of Cook county upon proceedings brought by the city of Chicago against the sanitary district for that purpose. The certificate of the clerk of the sanitary district or judgment of the circuit court, as the case may be, shall be recorded in the office of the recorder of deeds of Cook county and the amount thus recorded shall be conclusive as to the city's proportionate share in the indebtedness of the sanitary district of Chicago for the purposes herein contemplated.

13—4. For the purpose of raising funds or securing any indebtedness, the city council may issue interest-bearing coupon bonds, either registered or payable to bearer, or other evidences of indebtedness or obligations, pledging the faith and credit of the city for their payment. Such issue shall be authorized by ordinance, stating the amount of the issue and the purpose or purposes for which said bonds or obligations are to be issued. Such bonds or obligations shall be issued in such denominations, payable in currency or in gold or silver coin, bearing such rate of interest, payable quarterly, semi-annually, not exceeding six per cent per annum, and payable at such time or times, not exceeding twenty years from the date of issue, and at such place or places and with such conditions as to optional payment before maturity, as the ordinance authorizing the issue may prescribe. Each such bond or obligation shall bear the signature of the mayor and the city comptroller, and if, according to the provisions of this charter the issue of which the bond forms a part is authorized only with the consent or upon request or application of any particular department of the city, it shall also bear upon its face, or have endorsed upon it, a certificate of such consent, request or application, bearing the signature (which may be engraved or otherwise manifolded in facsimile) of the presiding officer of such department, and such certificate shall be conclusive as to the fact of such consent, request or application. Bonds or other obligations shall not be issued at less than par value.

13—5. The city council shall before or at the time of authorizing such bond issue, by ordinance provide for the collection of a direct annual tax sufficient to pay the interest on such bonds as it falls due, and also to pay and discharge the principal thereof at the time such principal shall fall due.

13—6. The city shall have the authority, out of any moneys in any sinking fund that may be provided for the retirement of such bonds or obligations, to purchase in open market any of such bonds or obligations at the fair market value thereof.

13—7. Except as provided in the section next following, no ordinance authorizing the issue of bonds or other obligations shall take effect unless and until the same shall have been submitted to the voters

of the city and approved by a majority of such voters voting upon the question in the manner provided for the submission of questions to popular vote.

13—8. Bonds may be issued to refund any existing funded indebtedness without submission to popular vote.

13—9. The failure to comply with any of the requirements herein contained with reference to the form or manner of issuing bonds or other obligations of the city shall not invalidate any such bond or obligation in the hands of a holder for value if the same constitutes equitably a charge against the city, or if the same would be valid if issued by a private corporation under similar conditions, but upon such failure appropriate proceedings may be brought to restrain the issue of such bonds or to compel compliance with the law.

13—10. The city council may borrow money, upon warrants for municipal purposes; such moneys to be repaid not later than the end of the next fiscal year. Such warrants may bear interest at a rate not exceeding six per centum per annum. No money shall be borrowed on warrants in any one year, unless all moneys borrowed on warrants in any prior year have been fully paid.

13—11. Whenever there is not sufficient money in the city treasury available to meet and defray the ordinary and necessary expenses of the city, it shall be lawful for the city council to provide a fund to meet said expenses by issuing and disposing of warrants drawn against and in anticipation of any taxes already levied by the city for the payment of the ordinary expenses of the city to the extent of seventy-five per cent of the total amount of any such tax levied. All warrants drawn and issued under the provisions of this section shall show upon their face that they are payable solely from said taxes when collected and not otherwise, and shall be received by the collector of taxes in payment of the taxes against which they are issued, and the taxes against which said warrants are drawn shall be set apart and held for their payment.

13—12. Every warrant issued under the provision of the preceding section shall, unless paid within thirty days after its issuance, bear interest payable only out of the taxes against which it shall be drawn at the rate not exceeding five per cent (as specified in the warrant) per annum from the date of its issuance until paid or until notice shall be given by publication in a newspaper or otherwise that money for its payment is available and that it will be paid on presentation.

13—13. The city of Chicago, by the acceptance of this charter assumes the indebtedness of all local governments hereby consolidated with it, including bonds issued under statutes intended to apply to particular corporate authorities.

ARTICLE XIV.

STREETS AND PUBLIC PLACES.

14—1. The city council shall have power to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys,

avenues, sidewalks and crosswalks, wharfs and other public grounds and places, and regulate the use thereof, and shall provide for lighting and cleaning the same and for keeping them in repair and free from encroachments and obstructions and from offensive matter.

14—2. The city council shall have power to provide for the construction and repair of bridges, viaducts, subways, tunnels, culverts, drains and sewers.

14—3. The city council shall have power, by condemnation or otherwise to extend any street, alley or highway over, under or across, or to construct any subway or sewer under or through any railroad track right of way or land of any railroad company, but where no compensation is made to such railroad company the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

14—4. The city council shall have power to permit the use of space more than twelve feet above the level of the surface of streets, alleys or other public places, for private purposes not substantially impairing the full, safe and free public use and enjoyment of such streets, alleys or public places, upon payment of compensation to the city, to be fixed under general ordinance.

No such permit shall be granted for a term longer than ten years, and every such permit shall be subject to earlier revocation by the city council at any time.

This section shall not apply to permits, licenses or grants for public utility purposes.

14—5. Any map, plat or subdivision of land shall be submitted for approval to the city council or to some officer designated by it, in order to secure the conformity of such map, plat or subdivision to the system or plan of streets, alleys and public places established by or under statute or ordinance, or to any other lawful requirement, and upon being approved, shall be entitled to record in the office of the recorder of Cook county.

14—6. The city shall have power to deepen, widen, dock, cover, wall, alter or change channels of water courses and to acquire, construct and keep in repair or close up canals, slips, public landing places, wharfs, docks and levees, and to collect wharfage and dockage from all boats or other craft landing at or using any public landing place, wharf, dock or levee, also to establish and maintain ferries.

14—7. The city council may provide for the construction and maintenance of outlet sewers, either within or outside of, or partly within and partly outside of the limits of the city, into which sewers of said city may be emptied and through which they may discharge their sewage for proper disposition, and for the construction of reservoirs and the erection of pumping works, and machinery, within or outside the city limits, and for the acquisition by purchase, gift, condemnation or otherwise of all real and personal property, rights of way and easements within or without the city necessary for the construction and maintenance of the outlet sewers and works hereby authorized.

For the purpose of constructing such outlet sewers, rights of way may be condemned across or along public highways, or through the property of municipalities or other public or private corporations or individuals outside of the city limits. Such outlet sewers and the works necessary therefor shall be regarded as local and public improvements of the city, but no property outside of the city limits shall be taxed or assessed therefor.

The city may by contract make arrangements with property owners outside of the city whereby such property owners may be enabled to connect their property with such outlet sewers.

ARTICLE XV.

LOCAL IMPROVEMENTS.

15—1. All general laws of the State relating to the subject of local improvements applicable to the city of Chicago at the time this charter takes effect shall continue in force in said city subject to the provisions of this charter.

Amendments or supplements to such general laws hereafter enacted shall, in the absence of an express declaration of legislative intent to the contrary, be construed as not applying to the city of Chicago, if repugnant to the provisions of this charter of any ordinance passed in pursuance thereof.

15—2. Whenever a street or alley shall have been paved after the passage of this Act by the General Assembly, and a special assessment or special tax therefor shall have been confirmed, and such special assessment or tax, or if divided into installments, the first installment shall have been certified for collection, not more than fifty (50) per cent of the cost of repaving such street or alley at any future time shall be imposed upon property by special assessment or special taxation.

This provision shall not apply if the repaving is petitioned for by the owners of the greater portion of the frontage abutting upon the street or alley or portion thereof to be repaved, and if such petition contains a consent that more than fifty per cent of the cost of repaving may be imposed upon property by special assessment or special taxation.

15—3. The city council shall have the power by general ordinance passed by a vote of three-fourths of all its members to make provisions regarding the time and manner of notices, regarding the number of installments into which assessments may be divided, regarding the time of payment of assessments and the payment of the interest upon the same, also regarding the form, the terms, and conditions of the payment of, improvement bonds, and the provisions of any general local improvement Act of the State upon any of these subjects shall be operative in the city of Chicago only in the absence of any different provision upon the same subject made under the power hereby granted.

15—4. If the board of local improvements shall at any time within one week after the opening of the bids submitted for the construction

of any local improvement, decide that such bids are too high and that the work can be done by the city itself at a lower price. and shall so report to the city council, the city council may, by an ordinance duly passed for that purpose, authorize the board of local improvements to construct said local improvement and to purchase the materials and employ the labor required for such construction and acquire and maintain such plant as may be advisable, in which case the city shall be deemed and considered as the successful bidder at a price five per cent (5%) below that submitted by that of the lowest responsible bidder.

If the construction of said improvement costs the city more than ninety-five per cent (95%) of such lowest and best bid, such additional cost shall be paid by the city out of its general fund.

If the city shall construct said local improvement at less cost than 95 per cent of said lowest and best bid, as aforesaid, the amount of the saving thus effected shall be credited to the property owners so assessed, and their respective assessments shall be abated accordingly, in accordance with the provisions of sections 84, 92 and 93 of an Act concerning local improvements, approved June 14, 1897.

15—5. Whenever the making of a local improvement requires the exercise of the right of eminent domain and the levying of an assessment for the payment of compensation to the owners of private property to be taken or damaged for said improvement, such assessment may at the discretion of the city council be made payable in one sum or in such annual installments not to exceed twenty, as the said city council may, in the ordinance for the making of such improvement and the levying of such assessment provide; and bonds may be issued to anticipate the collection of such assessment in like manner, as near as may be, as provided by law for the issuance of bonds to anticipate the collection of special assessments levied for the payment of the cost of local improvements which do not involve the exercise of the right of eminent domain. Bonds issued for the purpose of anticipating the collection of an assessment to pay the compensation so awarded to the owner of the property so taken or damaged, may be sold by the city at not less than the par value thereof, and the city may secure the prompt payment at maturity of such bonds and interests as provided in the next section.

15—6. The city council may by ordinance provide for the creation and maintenance of a special fund, to be used for the prevention of default in the payment of any special assessment vouchers and bonds at maturity, and may in the annual appropriation ordinance make an appropriation for such purpose.

15—7. Any article, material or process covered by letters patent granted by the United States Government, may be prescribed in the ordinance for the making of any proposed public improvement, or may be provided for in the specifications for any proposed public improvement where the passage of an ordinance is not required, if prior to the passage of such ordinance or the making of such specifications, the owner or owners of such patent rights shall agree in writing with the city to allow the use of such patent rights, and to sell such article, material or process at a uniform stated price, either to such city or to any contractor to whom such contract may be awarded for the making of such improvement.

Provided, however, that when any ordinance or specifications provide for the use of any such article, material or process, all bids received for the making of such improvement shall be upon the express condition, that the article, material or process specified, can be procured at the price and upon the terms mentioned in the agreement made by the owner or owners of such patent rights, as above provided for: *Provided, further, however,* that no ordinance shall be passed for a pavement, any part of which is covered by letters patent, where the same or any part thereof is to be paid for by special assessment, unless the owners of a majority of the frontage on any proposed improvement petition in writing for the same.

ARTICLE XVI.

PUBLIC UTILITIES.

16—1. The city of Chicago shall have full power and authority to own, maintain and operate within the limits of the city any public utility works for the use of the city and the property therein and the inhabitants thereof (including street and other intramural railways, subways and tunnels, telephone, telegraph, gas and electric lighting, heating, refrigerating and power plants), and to fix the rates and charges for the services rendered by means of such utilities and for this purpose to acquire by purchase, condemnation, construction or otherwise whatever property real or personal may be necessary or appropriate, and to lease the same to any person or corporation authorized under the laws of the State to operate the same, for the purpose of operating the same for any period not longer than twenty years, upon such terms and conditions as the city council shall deem for the best interests of the public.

16—2. No person or corporation shall have the right to locate, construct, maintain or operate any public utility (including street and other intramural railway, subways and tunnels, telephone, telegraph, gas and electric lighting, heating, refrigerating and power plants) in, over, under, upon or along the streets, alleys or other public places of the city of Chicago without the consent of the corporate authorities of said city, which consent may be granted for a period not longer than twenty years, upon such terms and conditions as such corporate authorities shall deem for the best interests of the public, provided no such consent shall be granted except on the condition that the person or corporation to which such consent is given will pay all damages to owners of property which they may sustain by reason of the location, construction or operation of the same, and for which they may be entitled to compensation under the constitution and laws of this State; and no such consent (other than a consent to have industrial or commercial establishments connected by side or switch-tracks with railroads for the carrying of freight only) for a longer period than five years shall go into effect until sixty days after the passage of the ordinance therefor by the city council, and if within such sixty days there shall be filed with the city clerk of the said city a petition signed by ten per cent of

the registered voters of the city, as shown by the last preceding election for mayor, requesting that the granting of such consent be submitted to popular vote, such consent shall not be effective until the question of granting such consent shall first have been submitted to popular vote at any regular or special election in the city and shall have been approved by a majority of those voting thereon.

16—3. Every such grant shall be subject to the [right] of the corporate authorities of the city to control the use, improvement and repair of such streets, alleys and other public places to the same extent as if such grant had not been made, and to make all necessary or appropriate police regulations concerning the erection, construction, maintenance, use and operation of the property or structure thereby permitted, whether such right is reserved in the grant or not, and the right to make such regulations whether reserved or not, shall include the right to make reasonable regulations of the charges to be made in the operation of such public utility. The city shall have no power to grant away or limit the subsequent exercises of this right, except that the question of reasonableness of any such regulation of charges shall always be determined with due regard to the provisions and limitations of the grant under which such public utility is being operated. Any right of regulation shall further include the right to require adequate service to the public and reasonable extensions of such service and of such public utility works. No grant made by the city for any public utility shall be leased, assigned or otherwise aliened without the express consent of the city and no dealings with the lessee or assign on the part of the city, or requiring the performance of any act or payment of any compensation by the lessee or assign shall be deemed to operate as such consent: *Provided*, that nothing herein shall be construed to prevent the owners of such grant from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate purposes.

16—4. The city council shall have power to require the person or corporation owning or operating any public utility within the city to make to the city properly verified reports of the character and amount of business done by such person or corporation, including the amount of receipts from and the expenses of conducting said business, and may whenever the interests of the city may require it by resolution passed for that purpose authorize the comptroller or a certified public accountant to examine the books of account and records of every person or corporation which relate to the conduct of such business, and verify the same by an examination of the actual condition of its property.

16—5. The charges fixed by the city for the services rendered by it by means of such public utility works by the city shall be high enough to produce a revenue sufficient to bear all cost of maintenance and operation and to meet interest charges on bonds and certificates issued on account thereof, and to permit the accumulation of a surplus or sinking fund that shall be sufficient to meet all such outstanding bonds or certificates at maturity.

16—6. It shall be lawful for the city to incorporate in any public utility grant the reservation of the right on the part of the city to take over all or any part of the property, plant, or equipment used in the

operation of such public utility, at or before the expiration of such grant, upon such terms and conditions as may be provided in the grant, and it shall also be lawful to provide in any such grant that in case such reserved right be not exercised by the city and it shall grant the right to another person or corporation to operate such public utility in the streets and parts of streets occupied by its grantee under the former grant, the new grantee shall purchase and take over the property located in such streets and parts of streets upon the terms upon which the city might have taken it over.

16—7. The city council shall have no power to pass any ordinance granting to any person or corporation the right or privilege to lay, upon, under or over the surface of any street, alley or public place, any railroad track, or pipe for the distribution of inflammable gas for fuel or lighting purposes or any wires, on, over, or by which electricity for lighting purposes is to be used, conveyed or distributed, except upon petition or with the consent of the owners of the land representing more than one-half of the frontage of such street, alley or public place, or so much thereof as is sought to be used for any of the purposes before mentioned; and when the street, alley or public place or part thereof sought to be used shall be more than one mile in extent, no petition or consent of land owners shall be valid unless the same is signed by the owners of the land representing more than one-half of the frontage of each mile and of the fraction of a mile, if any, in excess of the whole mile, measuring from the initial point named in such petition, of such street, alley or public place or of the part thereof sought to be used for the purposes above mentioned or either of them.

Before the city shall itself lay or place any track, rail or structure over and upon (but not below the surface of) any street, alley or public place for purposes of transportation or the operation of any tramway, car line or railroad, it shall itself be required to secure the consent of owners as in this section required, subject to all the conditions and provisions of this section; but in no other case shall the city itself be required to secure such consent for its purposes.

This section shall not apply to any ordinance by which the city council may consent to the use of the streets or alleys of the city by the sanitary district of Chicago, for the purpose of conveying heat, light or power from any electric power plant owned by such sanitary district.

16—8. The city shall not itself proceed to operate any such public utility for the use or benefit of private consumers or users, for hire or charge for such consumption or use, unless the proposition to operate shall first have been submitted to the electors of the city as a separate proposition and approved by a majority of those voting thereon; but the city may, without such submission and approval, sell electricity for heat, light or power within the limits of the city, generated from any electric lighting plant owned and operated by the city for the city's own use.

16—9. No ordinance authorizing the lease of any public utility for private operation for a longer period than five years, nor any ordinance renewing any lease for a period longer than five years, shall go into effect until the expiration of sixty days from and after its passage, and

if within such sixty days there is filed with the city clerk of such city, a petition signed by ten per cent of the voters voting at the last preceding election for mayor in such city asking that such ordinance be submitted to popular vote, then such ordinance shall not go into effect unless the question of the adoption of such ordinance be submitted to the electors of the city and approved by a majority of those voting thereon.

The rental reserved on any such lease shall not be less than a sufficient sum to meet the annual interest and sinking fund charges upon the outstanding bonds and public utility certificates issued by the said city on account of such public utility.

16—10. For the purpose of acquiring any such public utility or the property necessary or appropriate for the operation thereof either by purchase, condemnation or construction, the city may borrow money and issue negotiable bonds therefor, pledging the faith and credit of the city, but no such bonds shall be issued unless the proposition to issue the same shall first have been submitted to the electors of such city and approved by two-thirds of those voting thereon, nor in an amount in excess of the cost to the city of the property for which said bonds are issued and ten per cent of such cost in addition thereto.

16—11. In valuing any public utility property for the purpose of acquiring the same (except where any street railroad property to be acquired was on the first day of July, 1903, operated under then existing franchises, or where any other public utility to be acquired is at the time of the taking effect of this charter operated under then existing franchises) no sum shall be included as the value of any earning power of such property, or of the unexpired portion of any franchise granted by the city. In acquiring public utility property by condemnation the city shall proceed in the manner provided by law for the taking and condemning of private property for public use.

16—12. In lieu of issuing bonds pledging the faith and credit of the city, as hereinbefore provided, the city may issue and dispose of interest bearing certificates, hereinafter called public utility certificates, which shall, under no circumstances, be or become an obligation or liability of the city or payable out of any general fund, thereof, but shall be payable solely out of the revenues or income to be derived from the public utility property for the acquisition of which they were used. Such certificates shall not be issued and secured on any public utility property in an amount in excess of the cost to the city of such property as hereinbefore provided and ten (10) per cent of such cost in addition thereto. In order to secure the payment of any such public utility certificates and the interest thereon, the city may convey, by way of mortgage or deed of trust, any or all of the public utility property acquired or to be acquired through the issue thereof; which mortgage or deed of trust shall be executed in such manner as may be directed by the city council and acknowledged and recorded in the manner provided by law for the acknowledgment and recording of mortgages of real estate, and may contain such provisions and conditions not in conflict with the provisions of this Act as may be deemed necessary to fully secure the payment of the public utility certificates described therein. Any such mort-

gage or deed of trust may carry the grant of a privilege or right to maintain and operate the public utility property covered thereby, for a period not exceeding twenty (20) years from and after the date such property may come into the possession of any person or corporation as the result of foreclosure proceedings; which privilege or right may fix the rates or charges which the person or corporation securing the same as the result of foreclosure proceedings shall be entitled to charge in the operation of said property for a period not exceeding twenty (20) years. Whenever and as often as default shall be made in the payment of any public utility certificates issued and secured by a mortgage or deed of trust, as aforesaid, or in the payment of the interest thereon when due, and any such default shall have continued for the space of twelve (12) months, after notice thereof has been given to the mayor and comptroller, it shall be lawful for any such mortgagee, or trustees, upon the request of the holder or holders of a majority in amount of the certificates issued and outstanding under such mortgage or deed of trust, to declare the whole of the principal of all such certificates as may be outstanding, to be at once due and payable, and to proceed to foreclose such mortgage or deed of trust in any court of competent jurisdiction. At a foreclosure sale, the mortgagee or the holders of such certificates may become the purchaser or purchasers of the property and the rights and privileges sold, if he or they be the highest bidders. Any public utilities acquired under any such foreclosure shall be subject to regulation by the corporate authorities of the city to the same extent as if the right to construct, maintain and operate such property had been acquired through a direct grant without the intervention of foreclosure proceedings: *Provided, however,* that no public utility certificates shall ever be issued by the city under the provisions of this Act unless and until the question of the adoption of the ordinance of the city council authorizing for the issue thereof shall first have been submitted to a popular vote and approved by a majority of the qualified voters of the city voting upon such question. The question shall be submitted in such form as the city council may by ordinance designate.

16—13. The city, when owning any such public utility, shall keep the books of account for such public utility distinct from other city accounts and in such manner as to show the true and complete financial results of such city ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to such city of the public utility owned; all costs of maintenance, extension and improvement; all operating expenses of every description, in case of such city operation; the amounts set aside for sinking fund purposes; if water or other service shall be furnished for the use of such public utility without charge, the accounts shall show, as nearly as possible, the value of such service, and also the value of such similar service rendered by the public utility to any other city department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The city council shall cause to be printed

annually for public distribution, a report showing the financial results, in form as aforesaid, of such city ownership, or ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the city council the results of his examination. Such expert accountant shall be selected in such manner as the city council may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the city council may prescribe.

16—14. The city shall have power to acquire, construct, maintain and operate or lease for operation, wharves, docks and levees, and in connection therewith, elevators, warehouses and vaults, subject to the provisions and limitations (other than those regarding frontage consents) prescribed in this article with regard to public utilities.

16—15. Nothing in this article contained shall be construed to apply to waterworks owned and operated by the city of Chicago.

ARTICLE XVII.

WATER SUPPLY.

17—1. The city shall continue to maintain and operate its water works and shall have power to extend the same, and may for this purpose condemn water works privately owned, and the jurisdiction of the city for the purpose of preventing or punishing any pollution or injury of the sources of its water supply shall extend five miles beyond its corporate limits, or so far as the source of such may extend.

17—2. The city council shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of the city, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments, as the said city council may deem necessary and expedient; and such water taxes, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in the city through which the distributing pipes of such water works of the city are or may be laid, which can be conveniently supplied with water from said pipes, whether the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building, or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may by ordinance prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

17—3. The city council shall have power to prescribe by ordinance the maximum rates and charges for the supply of water which in any portion of the city may be furnished by any private person or corporation for the use of the inhabitants of such portion of the city.

17—4. Whenever there is not sufficient money in the city treasury available to meet and defray the ordinary and necessary expenses of the water department, it shall be lawful for the city comptroller to provide a fund to meet said expenses by issuing and disposing of warrants drawn against and in anticipation of any water taxes already levied by the city for the payment of the ordinary expenses of said water department to the extent of seventy-five per cent of the total amount of the water taxes levied. All warrants drawn and issued under the provisions of this section shall show upon their face that they are payable solely from said water taxes when collected, and not otherwise, and shall be received by the collector of water taxes in payment for the taxes against which they are issued, and the water taxes against which said warrants are drawn shall be set apart and held for their payment.

ARTICLE XVIII.

PARKS.

18—1. The term parks as used in this Act shall be held to include all lands improved as parks or held or set apart for future improvement as parks or forest preserves, city squares or commons placed under the management of the department of parks, structures placed in or on the boundary lines of the parks or erected for their protection, such as walls and breakwaters, all waters and beaches placed under the control of the department of parks, all driveways, boulevards and other streets placed under the control of the department of parks, and all other open public places used for purposes of recreation or pleasure of the public, unless established for the use of any other city department and paid for out of funds appropriated for such department, with all appurtenances belonging to a fully equipped park system. The terms parks, city parks, or parks of the city, shall include all such lands whether situated within or outside of the city limits of the city of Chicago.

18—2. The parks of the city shall be under the management and control of a city department of parks, at the head of which there shall be a board of park commissioners of the city of Chicago. The department of parks shall take charge of all parks heretofore managed by park boards or boards of park commissioners.

18—3. The board of park commissioners shall consist of nine members appointed by the mayor with the consent of two-thirds of all the members of the city council. Three of the members of said board shall be residents of that portion of the city lying north and east of the Chicago river; three members shall be residents of that portion of the city lying south and east of the Chicago river, and the three remaining members shall be residents of that portion of the city lying west of the Chicago river, at the time of their appointment and during their term of office. Of the commissioners first appointed one of the members from each of said three portions of the city shall be appointed for a term of two years, another for a term of four years and a third for a term of six years, and upon the expiration of the term of each member his successor shall be appointed for a term of six years.

18—4. The park commissioners shall serve without compensation.

18—5. The board of park commissioners shall elect a president from their own number, who shall hold office for a term of one year.

The ayes and nays shall be taken and entered on the records of the proceedings of the board on all questions involving the expenditure of money.

18—6. The board of park commissioners shall annually, or oftener, as required make a report to the city council of the physical and financial condition of the parks.

18—7. The board of park commissioners shall have the power to appoint or provide for the appointment of all employés that may be necessary for the efficient management of the department and to fix their compensation subject to the power over appropriations vested in the city council.

18—8. The city of Chicago shall be vested with all powers heretofore granted to any park boards or park commissioners whose authority is abrogated by this charter and which powers have not heretofore lapsed or expired and are not inconsistent with the provisions of this charter; and all powers now existing with regard to any of said parks to enlarge the same by reclaiming submerged lands under public waters in this State and all powers and rights incidental thereto shall extend to the submerged lands under any and all public waters within the jurisdiction of or bordering upon the city of Chicago, for the benefit of all present and future parks in the city.

All such powers except as herein otherwise provided shall be exercised on behalf of the city by the board of park commissioners.

18—9. The city council, upon recommendation of the park commissioners, shall have the power to extend and enlarge the park system of the city of Chicago, both within and outside of the city limits, and the city council, upon such recommendation, shall have the power to acquire for park purposes any lands and other rights in real property in addition to those now held for the use of parks, whether by gift, devise, dedication, purchase or condemnation.

18—10. The city council shall have the power, with the consent of the board of park commissioners to select and set apart any street or streets of the city or portion thereof for a boulevard or driveway, to be placed under the management and control of the board of park commissioners, subject to the power of the city council to authorize the laying of sewers and water pipes, and shall also have the power, with the consent of said commissioners, to discontinue the use of such streets as boulevards and resume control over them as city streets. No street or portion thereof shall be changed into a boulevard, nor shall any boulevard be changed back into a street without the consent of the owners of the greater portion of the frontage of the lots abutting upon such street or boulevard portion of street or boulevard.

The board of park commissioners shall have authority to enter into contracts with owners of property abutting upon any boulevard whereby such owners in consideration of the location or continuance of such boulevard may bind themselves to make annual contributions toward

the maintenance and repair of the same. Such contracts if so provided therein, shall operate as covenants running with the land and when recorded in the office of the recorder of deeds of Cook county in accordance with law, the amounts agreed to be paid shall constitute liens upon the property to which such contract relates. Any such lien shall expire six months from the time when it is recorded, unless before that time action is brought to enforce it.

18—11. The city council may, with the consent of two-thirds of all the members of the board of park commissioners, discontinue any parks or any portion thereof by a vote of three-fourths of its members, and may dispose of the lands and property so discontinued for park purposes in the manner provided by statute for the disposition of other city property which ceases to be used for city purposes. This section shall not apply to the discontinuance of a boulevard when such boulevard is reconverted into a street.

Personal property, other than chattels real, belonging to the department and no longer needed for its purposes may be sold under its direction.

18—12. The city council may upon the recommendation of the board of park commissioners establish by ordinance all needful rules and regulations for the government and protection of the public parks. Such ordinance may provide for excluding from such park all funeral processions, hearses, traffic teams, teaming and all objectionable travel and traffic, and may regulate the speed of vehicles in the parks.

General city ordinances now in force or hereafter enacted shall be presumed not to apply to the parks if contrary to any regulation made under the authority of this section.

18—13. All ordinances, for the violation of which fines are imposed, shall be published in such manner as the board of park commissioners shall direct, and rules framed in conformity with them shall be brought to the notice of the public by being posted in conspicuous places in the parks. When such ordinances are printed in book or pamphlet form purporting to be published by authority of the board of park commissioners, such book or pamphlet shall be received as evidence of the passage and publication of such ordinances as of the dates therein mentioned in all courts without further proof.

18—14. The mayor and chief of police, upon the requisition of the board of park commissioners, shall, from time to time, detail to the service of the department of parks, for the enforcement of the park ordinances, and for the maintenance of good order in the parks, so many suitable officers and men as are necessary. Such officers and men shall continue to be in all respects an integral part of the police force of the city, and shall be paid out of the funds appropriated for the support of the police department. These officers and men shall constitute the park police so long as their detail lasts and shall report to the board of park commissioners. The said park commissioners may report back to the police department for punishment any member of said park police force guilty of any breach of orders or discipline or of neglecting his duty, and thereupon the chief of police may detail another

officer or man in his place, and the discipline of said members of the park police shall be in the jurisdiction of the police department, but at any time the park commissioners may object to the inefficiency of any member of said park police serving in any park, and thereupon another officer or man may be detailed in his place. The officers and men now members of the park police of the several parks hereby consolidated shall have credit, under the pension laws, for the time theretofore served, subject to such payment as the pension commissioners shall deem just.

18—15. The board of park commissioners shall have full power to manage and control, improve, maintain and beautify the parks of the city.

18—16. The cost of the first establishment of any park may be met by general taxation, or by special taxation, or by special assessment, or by a combination of special with general taxation, or of special assessment with general taxation, or otherwise, as the city council, upon recommendation of the board of park commissioners shall by ordinance determine. The provision of the statutes governing the making of local improvements in the city shall be as nearly as possible applied to the proceedings for the taking of lands and the meeting of the expenses in connection with such improvements, except that the board of park commissioners shall act in place of the board of local improvements.

The cost of maintenance and repair shall not be met by special taxation or special assessment.

18—17. Any work to be done by or under the direction of the department of parks the cost of which is not met in whole or in part by special assessment or special taxation, may be done at the option of the board of park commissioners either directly through the employes of the department and other laborers hired for the purpose, or by the contract entered into for that purpose, subject to the rules established by general city ordinance governing the giving out of contracts for work to be done for the city or any of its departments, or partly by the one method and partly by the other.

18—18. The board of park commissioners may, with the consent of the city council, purchase, erect and maintain within any public park any museum, art institute or library, or permit any museum, art institute or library established for public use by private endowment to be erected and maintained within any public park.

An admission fee, not to exceed twenty-five cents for each visitor over ten years of age, may be charged or be permitted to be charged for visiting any such museum or art institute, provided that all such museums and institutes shall be open to the public without charge for three days each week, and to the children in actual attendance upon any of the schools in this city on every day.

Any arrangement or agreements existing at the time this charter shall take effect with any museum, art institute or library that shall be now located or authorized to be located in any park shall not be impaired or affected by the provisions of this charter.

Where any power has heretofore been granted by statute to any board of park commissioners to levy taxes for the support of any

museum or museums of art, sciences or natural history, located and maintained or authorized to be located and maintained in any public park, the city council may on request of the board of park commissioners, appropriate and include in the levy of taxes for park purposes, a tax on each dollar of taxable property, not to exceed that named in the statute conferring such power upon said board of park commissioners, for the same purpose or purposes, subject to the provisions of this charter upon the subject of taxation and revenue.

If any owner of land abutting upon any park, or adjacent thereto, have any easement or property right in such park appurtenant to his land which would be interfered with by placing any museum, art institute or library within the park, or any right to have such park remain open and free from buildings, such easement or right may be condemned in accordance with the provisions of the statutes regulating the exercise of the power of eminent domain.

18—19. All appropriations, tax levies or bond issues for the use of parks shall be made by the city council in accordance with the general provisions of this charter, except that no such appropriation, tax levy or bond issue shall be made otherwise than upon request or application of the board of park commissioners. The proceeds of any tax levied or bonds issued for the use of parks shall be kept as a separate fund by the city treasurer and shall be paid out only under the direction or upon orders of the board of park commissioners. All warrants upon which funds are to be paid out shall bear the signature of the president of the board of park commissioners in addition to the signature of the mayor and city comptroller.

18—20. The board of park commissioners shall have charge and control of all public monuments within the city and shall have power to make regulations tending to their preservation and to prevent their defacement, in the same manner and with the same effect as it may make ordinances for the protection of the public parks.

18—21. The board of park commissioners, with the consent of the city council, shall have power by agreement with private owners to undertake the preservation and the care in whole or in part of places in private ownership, the use of which is thrown open to the public, or of places of historic interest, and to mark the same by appropriate memorial tablets and inscriptions, which shall be regarded as public monuments.

18—22. The art commission, so long as the same shall be maintained by the city council, shall consist of the mayor, the chief officer of the principal art institute of the city, the president of the board of park commissioners and three other members, residents of the city, to be appointed by the mayor. One of the said three members shall be a painter, one a sculptor and one an architect.

18—23. Upon the expiration of the term of office of each of the present members appointed by the mayor, his successor shall be appointed for a term of three years. All appointments to fill vacancies shall be for the unexpired term.

18—24. The commission shall serve without compensation as such, and shall elect a president and secretary from its own members, whose term of office shall be one year and until their successors are elected and qualified.

The commission shall have power to adopt its own rules of procedure. Five commissioners shall constitute a quorum.

18—25. Suitable offices shall be provided for the commission by the city council of the city, and the expenses of the commission shall be paid by appropriation made therefor by said city council annually.

18—26. Hereafter no work of art shall become the property of such city by purchase, gift or otherwise, unless such work of art, or a design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the commission; nor shall such work of art until so approved be erected or placed in or upon, or allowed to extend over or upon any street, avenue, square, common, municipal building or other place belonging to such city, or any park, boulevard or public ground situated within the limits of such city. The commission may, when the [they] deem proper, also require a complete model of the proposed work of art to be submitted. The term "work of art," as used in this connection, shall apply to and include all paintings, mural decorations, stained glass, statues, bas reliefs or other sculptures, ornaments, fountains, images or other structures of a permanent character intended for ornament or commemoration. The term municipal building, as used in this connection, shall include all public schools and all buildings or portions thereof, and all grounds used for school purposes in such city. No existing work of art in the possession of the city, or in any parks, boulevards, public grounds, school buildings or school grounds aforesaid, shall be removed, re-located or altered in any way without the similar approval of the commission, except as provided in section 28 of this article. When so requested by the mayor or the city council the commission shall act in a similar capacity with similar powers in respect of designs of buildings, bridges, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the city or a part of any of the parks, public grounds or boulevards within the limits of such city, and in respect of the lines, grades and platting of the public ways and grounds, and in respect of the arches, bridges, structures and approaches which are the property of any corporation or private individual, and which shall extend over and upon any street, avenue, highway, boulevard, park or other public places belonging to or within the limits of the city.

But this section shall not be construed as impairing the power of any park board to refuse its consent to the erection or acceptance of public monuments or memorials or other works of art or structures of any sort within any park, boulevard or other public ground under their control in such city.

18—27. If the commission shall fail to decide upon any matter submitted to it within sixty days after such submission, its decision shall be deemed unnecessary.

18—28. In case the removal or re-location of any existing work of art, or other matter, which would, under the provisions of section 26 of this article, be within the control of the art commission, shall be deemed necessary by those empowered to cause such removal or re-location, the commission shall, within forty-eight hours after notice, approve or disapprove of such removal or re-location, and in case of their failure so to act within forty-eight hours after the receipt of such notice, they shall be deemed to have approved of such removal or re-location.

ARTICLE XIX.

DEPARTMENT OF EDUCATION.

19—1. The city of Chicago shall constitute one school district, and shall maintain a thorough and efficient system of free schools whereby the children of the city may receive a good common school education. The public school system shall be a department of the city government, to be known as the department of education, at the head of which there shall be a board of education, and no power by this charter vested in the board of education or in any officer of the department shall be exercised by the city council except as by this charter provided.

19—2. From and after the taking effect of this Act, the board of education shall consist of fifteen members, to be appointed by the mayor with the approval of the city council, five of whom shall be appointed for the term of one year, five for the term of two years and five for the term of three years. At the expiration of the term of any member of said board of education, his successor shall be appointed in like manner and all members thus appointed and their successors shall hold their office for the term of three years from the 1st day of May of the year in which they are appointed. Any vacancy which may occur in the membership of said board of education shall be filled through appointment by the mayor with the approval of the city council for the unexpired term. If any person so appointed shall fail to qualify within thirty days after his appointment, the office shall be filled by a new appointment for the unexpired term. Members of the board of education shall serve without compensation.

Any member of the board of education may be removed by the mayor upon proof either of official misconduct in office or of neglect of official duty, or of misconduct in any way connected with his official duties, or otherwise, which tends to discredit his office or the school system, or for mental or physical inability to perform his duty as a member, but before the removal of such a member he shall receive a timely notice in writing of the charges and a copy thereof and shall be entitled to a hearing on like notice before the mayor and to the assistance of counsel on said hearing.

19—3. To be eligible for appointment to the board a person shall be at least 25 years of age, a citizen of the United States and shall have been a resident of the city of Chicago for at least five years immediately preceding his or her appointment.

19—4. Members of the board of education shall not while serving as such members, hold any other public office under the Federal, State or any local government, other than that of notary public or member of the national guard; but by accepting any such public office while members of the board of education, or by not resigning any such office held at the time of being appointed to the board of education within thirty days after such appointment, shall be deemed to have vacated their membership in such board.

19—5. No member of the board of education and no member of the department of education shall be interested in the sale, proceeds or profit of any books, apparatus, furniture, supplies or other property, real or personal used or to be used in, or in connection with, any of the public schools of the city. Any member of such board or department violating the provision of this section shall, upon conviction thereof, pay a fine in a sum of not less than \$25.00 nor more than \$500.00, and may be imprisoned in the county jail or house of correction for not less than one nor more than twelve months, in the discretion of the court.

19—6. Rules of the board of education shall be enacted or changed, moneys appropriated or expended, salaries fixed or changed, courses of instruction adopted or changed only at regular meetings of the board of education and by a vote of a majority of the full membership of the board, and upon such proposition and upon all propositions requiring for their adoption at least a majority of all the members of the board, the ayes and nays shall be taken and recorded.

19—7. The board of education shall elect annually from its own number a president and vice president, in such manner and at such time after the yearly appointment of new members, and not later than the second regular meeting of the board after such appointment, as the board may determine by its rules. The president shall preside at the meetings of the board and shall have the same power to vote at such meetings as any other member, but shall not have the power of veto. He shall exercise a general superintendence over the affairs of the board and shall perform such duties as may be imposed upon him by the rules of the board. The vice president shall perform the duties of the president in case of the president's absence or inability to act, and shall perform such other duties as may be imposed upon him by the rules of the board.

19—8. The board of education shall by a vote of a majority of the full membership of the board, appoint as executive officers a superintendent of education, a business manager and a secretary, and may also appoint or provide for the appointment of such other officers and employes as it may deem necessary.

19—9. The board shall, subject to the provisions of this charter, prescribe the duties, compensation and terms of office of all officers, but the term of office of no such officer shall exceed four years and the salary of no officer shall be lowered during his term of office, either by the board or by the city council, except by a *pro rata* reduction that may be necessary in case of a general reduction affecting all

employés. The board shall also prescribe the duties and compensation of all employés of the department. It may prescribe which of its officers or employés shall give bond and in what amount.

19—10. The appointment and removal of the superintendent of education and business manager and of the attorney and auditor (if any such officers shall be appointed) shall not be subject to the civil service law, but such officers shall be removable only for cause by vote of not less than a majority of all the members of the board upon written charges to be heard by the board upon due notice to the officers against whom they are preferred, but pending the hearing of such charges the officer charged may by a two-thirds vote be suspended by the board.

19—11. All appointments of employés of the board of education, except as herein otherwise provided, shall be made in pursuance of the provisions of the civil service law, and no employé shall be removed except for cause, upon written charges, which shall be investigated and determined by the board of education, whose action and decision in the matter shall be final, when approved by the civil service commission.

Teachers shall for this purpose not be held to be employés.

19—12. The title of all property, real and personal, held for the use or benefit of schools shall be vested in the city of Chicago, in trust for the use of the schools.

19—13. The board of education may, with the concurrence of the city council, to be manifested by the passage of an ordinance for that purpose, acquire by purchase, condemnation or otherwise, real estate for school purposes, including school buildings, play grounds and offices for the board of education. Condemnation proceedings for the purpose of acquiring such property shall be conducted in the name of the city of Chicago for the use of the schools.

19—14. The board of education may rent buildings, rooms or grounds, or for the use of schools, or for the purpose of school administration, but it shall not take any lease or renewal thereof for a term longer than five years without the concurrence of the city council, nor alter the provisions of any lease heretofore or hereafter made whose unexpired term may exceed five years, without such concurrence.

19—15. The board of education shall have the power to let school property on leasehold for a term not longer than ninety-nine years from the date of granting the lease; but it shall not make or renew any lease for a term longer than five years without the concurrence of the city council, nor alter the provisions of any lease heretofore or hereafter made whose unexpired term may exceed five years, without such concurrence.

19—16. The board of education may grant the use of assembly halls and class rooms when not otherwise needed, including light, heat and attendance, for public lectures, concerts and other educational and social interests, free of charge, but under such provisions and control as the board may see fit.

19—17. No sale of real property used for school purposes or held in trust for the schools shall be made by the city council except upon written request of the board of education. Personal property other than chattels real belonging to the department and no longer needed for its purposes may be sold under its direction.

19—18. All moneys raised by taxation for school purposes or received from the State common school fund or from any other source for school purposes, shall be held by the city treasurer as a separate fund, for school purposes, subject to the order of the board of education upon a warrant of its president, to be countersigned by the mayor and city comptroller.

19—19. Investment of school funds shall only be made in government, State or municipal securities.

19—20. The mayor shall as often as yearly, and may as often as semi-annually, appoint certified public accountants to examine and audit the accounts of the board of education, and a report thereof, together with any recommendations of such accountants as to changes in the business methods of the board or any of its departments, officers or employes, shall be made to the mayor, the city council and the board of education and be spread upon the records of the latter. The expense of such audit shall be paid by the board.

19—21. The board of education shall make an annual report to the city council.

19—22. The board of education shall exercise general supervision and management of the public education and the public school system of the city of Chicago and shall have power to make suitable provision for the establishment and maintenance throughout the year or for such portion of the year as it may direct of schools of all grades and kinds, including normal schools, night schools, schools for defectives and delinquents, parental or truant schools, schools for the blind, the deaf and the crippled, schools or classes in manual training, constructional and avocational teaching, domestic arts and physical culture, vacation and extension schools and lecture courses and all other educational institutions and facilities. It shall have power to co-operate with the juvenile court and to make arrangements with the public or quasi-public libraries and museums for the purpose of extending the privilege of such libraries and museums to attendants of schools and the public in the neighborhood of the schools.

19—23. The board of education shall establish by-laws, rules and regulations for the proper maintenance of a uniform system of discipline and management of the schools, and may fix the school age of pupils, which in kindergarten schools shall not be under 4 years and in the grade schools shall not be under 6 years.

It shall have the power to expel any pupil who shall be guilty of gross disobedience or misconduct.

19—24. The board of education shall have continuing power to divide the city into sub-districts and apportion the pupils to the several schools, but no pupil shall be excluded from nor segregated in any such school on account of his or her race, color or nationality.

19—25. The board of education shall have power to prescribe the courses and methods of studies in the various schools, subject to the general laws of the State.

19—26. The specification of the powers herein granted is not to be construed as exclusive, but the board of education shall exercise all powers that may be requisite or appropriate for the maintenance and fullest development of an efficient public school system.

19—27. The superintendent of education shall have general supervision, subject to the board, of the courses of study, text books, educational apparatus, discipline and conduct of the schools, and shall perform such other duties as the board may by rule prescribe.

Appointments, promotions and transfers of teachers, principals and assistant and district superintendents and other educational officers shall be made, and text books and educational apparatus shall be introduced by the board of education only upon his recommendation, unless it be by a two-thirds vote of all the members of the board. Text books shall not be changed oftener than once in four years.

19—28. The superintendent of education shall have a seat in the board of education, but no vote.

19—29. The business manager shall have the general care and supervision of the property and routine business of the department of education. In matters affecting the general policy of his administration he shall be subject to the direction of the board. He shall, with the concurrence of the board of education, appoint his subordinates.

The board of education shall maintain a bureau of buildings and construction, which shall have charge of the erection, construction, alteration and repair of all buildings under the control of the board of education. The board of education shall, subject to the provisions of the civil service law, appoint a chief architect, who shall be at the head of the bureau of buildings and construction, and also a chief engineer, who shall have charge of the matters relating to the heating, ventilating and sanitation of buildings. The architect and chief engineer shall be removed only in pursuance of the provisions of the civil service law. They shall be subject to the general direction of the business manager.

19—30. The board of education shall examine all persons offering themselves as candidates for teachers, and when found well qualified shall give them certificates gratuitously. Appointments and promotions of teachers and principals shall be made for merit only, and after satisfactory service for a probationary period of three years appointments of teachers and principals shall become permanent, subject to the rules of the board concerning conduct and efficiency, and subject to removal for cause upon written charges after a hearing before the board of education or a committee appointed by the board; but the board need not retain in service more principals or teachers than in its judgment the needs of the school require.

19—31. The board of education shall have the power, subject to the power over appropriation vested in the city council, to prescribe the compensation of teachers and other educational officers. Such compensation shall be payable monthly.

19—32. The provisions of this Act regarding education shall constitute a part of the law intended to provide for the city of Chicago a system of free schools, and shall be construed in connection with the general school law of the State. Except as by this Act modified, the provisions of the general school law shall apply to the city of Chicago, and for the purpose of sharing in the distribution of the common school fund and other distributive funds, the schools of the city shall be deemed to be kept in accordance with the provisions of said law.

ARTICLE XX.

COMPULSORY EDUCATION.

20—1. Every person having control of any child between the ages of 7 and 16 years shall annually cause such child to attend some public or private school for the entire time during which the school attended is in session, which period shall not be less than 110 days of actual teaching: *Provided*, this requirement shall not apply to any case where the child has been or is being otherwise instructed for a like period of time in each and every year in the elementary branches of education by a person or persons competent to give such instruction, or to any child whose physical or mental condition renders his or her attendance impracticable or inexpedient, or who is excused for temporary absence for cause by the principal or teacher in charge of the school which such child attends, or to any female child of the age of 14 years and upwards whose services are required in her home and who is on that account excused from attendance by the board of education or by the superintendent or the principal of the parochial school which she has been attending before being so excused, or to any child of the age of 14 years and upwards while such child is in good faith engaged in regular lawful employment which occupies him or her regularly not less than five hours daily for not less than five days in each week.

20—2. Every person or corporation employing a child of the age of 14 years and upwards, and under the age of 16, shall forthwith report such employment to the board of education, together with the number of days in the week and the number of hours in the day during which such child will be regularly employed, and also such other particulars as the board of education may prescribe. When the employer ceases to employ such child regularly for the period of time above stated, he shall report the fact to the board of education.

The board of education shall keep blank forms of notices and reports at convenient places throughout the city for free distribution.

The board of education shall keep on file in its office copies of all age and school certificates issued by it, and shall also procure and place on file copies of the age and school certificates issued by superintendents or principals of parochial schools and filed in duplicate in the office of the State Factory Inspector.

20—3. Any person violating any duty imposed upon him by the two foregoing sections, and any person who, for the purpose of evading the provisions of said sections, shall make false statement concerning

the age of any child or regarding the time such child has attended school, or concerning the fact or time or continuance of the employment of such child, shall be fined a sum not exceeding \$20.00 for any one offense. Such fine shall be paid into the city treasury for the use of the department of education.

20—4. The board of education shall appoint one or more truant officers subject to the civil service rules, whose duty it shall be to report all violations of the law regarding compulsory school attendance to the board of education, and to enter complaint against and prosecute all persons who shall appear to be guilty of any violation of such law. It shall be the duty of said truant officers to arrest any child of school going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school without being lawfully excused as aforesaid, and to place him or her in charge of the teacher or principal having charge of any school which said child is by law entitled to attend, and which school shall be designated to said officer by the parent, guardian or person having control of said child. In case such parent, guardian or person shall designate a school without making or having made arrangements for the reception of said child in the school so designated, or in case he refuses or fails to designate any school, then such truant officer shall place such child in charge of the principal of a public school. And it shall be the duty of said principal to assign said child to the proper class, and to instruct him or her in such studies as he or she is fitted to pursue. The truant officer so appointed shall be entitled to such compensation for services rendered under this Act as shall be determined by the board of education, and which compensation shall be paid out of the distributable school fund: *Provided*, that nothing herein contained shall prevent the parent, guardian or person having charge of such truant child, which has been placed in any school by the truant officer, to thereafter send said child to any other school which said child is by law entitled to attend.

20—5. Any child of compulsory school age who is habitually truant may be committed to a parental school in the manner hereinafter provided. Parental schools shall not be erected at or near any penal institution.

20—6. It shall be the duty of any truant officer or agent of such board of education to petition, and any reputable citizen of the city may petition, the county or circuit court of the county, to inquire into the case of any child of compulsory school age who is not attending school, and who has been guilty of habitual truancy, or of persistent violation of the rules of the public school, and the petition shall also state the names, if known, of the father and mother of such child, or the survivor of them; and if neither father or mother of such child is living, or can not be found in the county, or if their names can not be ascertained, then the name of the guardian if there be one known; and if there be a parent living whose name can be ascertained, or a guardian, the petition shall show whether or not the father or mother or guardian consents to the commitment of such child to such parental or truant school. Such petition shall be verified by oath upon the be-

lief of the petitioner, and upon being filed the judge of the county or circuit court shall have such child named in the petition brought before him for the purpose of determining the application in said petition contained. But no child shall be committed to such school who has ever been convicted of any offense punishable by confinement in any penal institution.

20—7. Upon the filing of such petition the clerk of the court shall issue a writ to the sheriff of the county directing him to bring such child before the court; and if the court shall find that the material facts set forth in the petition are true, and if, in the opinion of the court, such child is a fit person to be committed to such parental or truant school, an order shall be entered that such child be committed to such parental or truant school, to be kept there until he or she arrives at the age of fourteen years, unless sooner discharged in the manner herein-after set forth. Before the hearing aforesaid, notice in writing shall be given to the parent or guardian of such child, if known, of the proceedings about to be instituted, that he or she may appear and resist the same, if they so desire.

20—8. It shall be the duty of the parent or guardian of any child committed to this school to provide suitable clothing upon his or her entry into such school, and from time to time thereafter as it may be needed, upon notice in writing from the superintendent or other proper officer of the school. In case any parent or guardian shall refuse or neglect to furnish such clothing, the same may be provided by the board of education, and such board may have an action against such parent or guardian of said child to recover the cost of such clothing, with ten per cent additional thereto.

20—9. No religious instruction shall be given in said school except such as is allowed by law to be given in public schools; but the board of education shall make suitable regulation so that the inmates may receive religious training in accordance with the belief of the parents of such children, either by allowing religious services to be held in the institution or by arranging for attendance at public service elsewhere.

20—10. The board of education shall have power to establish rules and regulations under which children committed to such parental or truant school may be allowed to return home upon parole, but to remain while upon parole in the legal custody and under control of the officers and agents of such school, and subject at any time to be taken back within the enclosure of such school by the superintendent or any authorized officer of said school, except as hereinafter provided; and full power to enforce such rules and regulations to retake any such child so upon parole is hereby conferred upon such board of education. No child shall be released upon parole in less than four weeks from the time of his or her commitment, nor thereafter until the superintendent of such parental or truant school shall have become satisfied from the conduct of such child that, if paroled, he or she will attend regularly the public or private school to which he or she may be sent by his or her parents or guardian, and shall so certify to the board of education.

20—11. It shall be the duty of the principal or other person having charge of the school to which such child so released on parole may be sent, to report at least once each month to the superintendent of the parental or truant school, stating whether or not such child attends school regularly, and obeys the rules and requirements of said school; and if such child so released upon parole shall be regular in his or her attendance at school and his or her conduct as a pupil shall be satisfactory for a period of one year from the date when he or she was released, on parole, he or she shall then be finally discharged from the parental or truant school, and shall not be recommitted thereto except on petition as hereinbefore provided.

20—12. In case any child released from said school upon parole, as hereinbefore provided, shall violate the conditions of his or her parole at any time within one year thereafter, he or she shall upon the order of the board of education, as hereinbefore provided, be taken back to such parental or truant school, and shall not be again released upon parole within the period of three months from the date of such re-entering; and if he or she shall violate the conditions of a second parole, he or she shall be recommitted to such parental or truant school and shall not be released therefrom on parole until he or she shall remain in such school at least one year.

20—13. In any case where a child is found to be incorrigible and his or her influence in such school to be detrimental to the interests of the other pupils, the board of education may authorize the superintendent or any officer of the school to represent these facts to the circuit or county court by petition; and the court shall have authority to commit said child to some juvenile reformatory.

ARTICLE XXI.

THE PUBLIC LIBRARY.

21—1. The public library of the city of Chicago shall be managed by a library board of nine directors, who shall be appointed by the mayor, with the approval of the city council, and who shall serve without compensation.

21—2. The directors of the public library holding office at the time this charter takes effect shall continue in office until the expiration of their respective terms. The successors of the three directors whose term of office expires within one year after this charter takes effect shall be appointed for a term of two years; the successors of the three directors whose term expires within the next year following shall be appointed for a term of three years, and the successors of the three directors whose term expires within one year thereafter (having been in office when this charter takes effect, or having been appointed to fill vacancies in the places of directors who shall have been then in office) shall be appointed for a term of four years, and upon the expiration of the term of each director appointed under this charter his successor shall be appointed for a term of six years.

21—3. The library board shall have power to elect one of its number as president and may provide for such other officers as they may deem necessary. It shall make and adopt by-laws, rules and regulations not inconsistent with law for its own guidance and for the government of the library and reading rooms, as may be expedient. It shall have exclusive control of the expenditure of all moneys collected to the credit of the library fund, of the construction of any library buildings, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose. All moneys received for the use of the library shall be deposited in the city treasury to the credit of the library fund and shall be kept separate and apart from other moneys of the city and shall be drawn upon only by warrants signed by the mayor and city comptroller and the president of the library board.

21—4. The library board shall have power to establish branch libraries and reading rooms within the city. It shall have power to appoint or make provisions for the appointment of a librarian and secretary and other suitable employés, and all employés, except the chief librarian and secretary, shall be subject to the civil service law.

21—5. The library and its reading rooms shall be forever free to the use of the inhabitants of the city, subject to such reasonable rules and regulations as the library board may adopt in order to render the use of such library and reading rooms of the greatest benefit to the greatest number, and the board may exclude from the use of the library and reading rooms any persons who shall wilfully violate such rules. The board may extend the privileges of the use of the library and reading rooms to persons residing outside of the city upon such terms and conditions as said board may from time to time by its regulations prescribe.

21—6. The said library board shall in connection with its annual report to the city council, state the condition of its trust, the number of books and periodicals on hand, the number added by purchase, gift, or otherwise, during the year, the number lost or missing, the number of visitors attending, the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as it may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

21—7. The city council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library.

21—8. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title of the property so donated in the city of Chicago or in the library board, to be held in the custody of and controlled by such board, when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

ARTICLE XXII.

GENERAL PROVISIONS.

22—1. Any act of the General Assembly that shall be passed after the going into effect of this charter relative to the government of the affairs of the cities of this State in general or of cities containing a stated number of inhabitants or over, or allowing the formation of new municipal corporations in any part of the State, shall, in the absence of an express declaration of a legislative intent to the contrary, be construed as not applying to or operative within the city of Chicago.

This rule of construction shall not apply in cases where this charter provides that local matters shall be governed by existing general laws of the State or by statutes passed in amendment thereof or in addition thereto, except where such additions or amendments are repugnant to provisions of this charter.

22—2. The words "shall have power" or "may," as used in this charter, shall not be construed as mandatory.

22—3. This charter shall be deemed a public act, and all courts shall take judicial notice of it.

22—4. Nothing in this Act or any section thereof contained shall be held or construed as affecting, limiting, or impairing the right of the Legislature to alter, amend, annul, or repeal any or all of the provisions of this charter by an Act of the Legislature enacted in conformity to the constitution of the State.

22—5. All Acts or parts of Acts in conflict with the provisions of this charter shall be inoperative within and in regard to the city of Chicago.

22—6. For the purpose of determining the relation of this Act to other Acts of the General Assembly, it shall be deemed to have been enacted at the time it shall be adopted by the voters of the city of Chicago.

ARTICLE XXIII.

SUBMISSION OF CHARTER TO POPULAR VOTE.

23—1. This Act shall be submitted to the voters of the city of Chicago at a special election to be held on the seventeenth day of September in the year 1907, and if consented to by a majority of the voters voting on the question, in accordance with the requirements of section 34 of article 4 of the constitution, shall take effect when the result of such submission is ascertained and declared. The ballots to be used at said election in voting upon this Act shall be substantially [in] the following form:

For an Act entitled, "An Act to provide a charter for the city of Chicago, to consolidate in the government of said city the powers now vested in the local authorities having jurisdiction within the territory of said city, and to enlarge the rights and powers of said city.

Against an Act entitled, "An Act to provide a charter for the city of Chicago, to consolidate in the government of said city the powers now vested in the local authorities having jurisdiction within the territory of said city, and to enlarge the rights and powers of said city.

In case any election precinct of the city is or shall be intersected by the boundary line of any of the municipal corporations sought to be consolidated by this Act, the judges of election shall procure and the election commissioners shall furnish two or more ballot boxes so as to allow the votes of the residents of such municipal corporation in such precinct to be received separately from the votes of the voters of such precinct residing outside of such municipal corporation, and the same shall be received and returned separately.

APPROVED June 5, 1907.

FIREMEN'S PENSION FUND.

§ 1. Amends title and sections 1, 2, 3, 4, 6, 8, 10, 11 and 16, Act of 1887.

§ 1. Fund how created—trustees of fund.

§ 2. Board of trustees of firemen's pension fund.

§ 3. Management of fund—assessment of members—deciding upon applications—record of meetings.

§ 4. Rewards—gifts—devices, etc.—permanent fund.

§ 5. Power of board to draw fund—investing same—deposit of securities.

§ 6. Interest from investment from fund.

§ 7. Retirement on account of physical or mental disability.

§ 8. Death while in the service, etc.—pension to widow—minor children—dependent parents—when fund insufficient.

§ 9. Beneficiaries under prior act.

§ 10. Retirement after twenty-two years' service, etc.

§ 11. To whom Act applies.

§ 12. Treasurer of board—custodian of fund—books and accounts—bonds.

§ 13. Duty of mayor, or etc., to draw warrants.

§ 14. Money paid only upon warrants signed, etc.—interest from fund.

§ 15. Report of board of conditions of fund.

§ 16. Fund not subject to levy, either before or after order of distribution, etc.

§ 17. Repeal.

(SENATE BILL NO. 480. APPROVED JUNE 1, 1907.)

AN ACT to amend sections one (1), two (2), three (3), four (4), six (6), eight (8), ten (10), eleven (11) and sixteen (16) and the title

of "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds 50,000 inhabitants, having a paid fire department," approved May 13, 1887, in force July 1, 1887, and as amended by an Act approved March 28, 1889, in force July 1, 1889.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1), two (2), three (3), four (4), six (6), eight (8), ten (10), eleven (11) and sixteen (16), and the title of an Act entitled, "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children of deceased firemen; to authorize the retirement for [from] service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department," approved May 13, 1887; in force July 1, 1887; as amended by an Act approved March 28, 1889; in force July 1, 1889; be amended to read as follows:

An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows, minor children and dependent parents of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds five thousand inhabitants, having a paid fire department.

SEC I. FUND, HOW CREATED—TREASURERS OF FUND. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities, villages or incorporated towns whose population exceeds five thousand, having a paid fire department, one (1) per centum of all revenues collected or received by such cities, villages or incorporated towns from licenses issued by such cities, villages or incorporated towns, also all fines imposed for violations of fire ordinances, the enforcement or correction of which may be charged to and be under the supervision of the chief officer or subordinate officers of such fire department of any such cities, villages or incorporated towns, shall be set apart by the treasurer of such cities, villages or incorporated towns to whom the same shall be paid, as a fund for the pensioning of disabled and superannuated members of the fire departments, and of the widows and orphans and dependent parents of deceased members of the fire departments of such cities, villages or incorporated towns. The treasurers of such cities, villages or incorporated towns shall be *ex officio* treasurers of such fund.

§ 2. BOARD OF TRUSTEES OF FIREMEN'S PENSION FUND.] The treasurer, clerk, attorney, marshal or chief officer of the fire department, and the comptroller of such city, village or incorporated town, and two other persons, who shall be chosen from the active members of the fire department of such city, village or incorporated town shall constitute and be a board by the name of the "board of trustees of the firemen's pension fund." The members of this board to be chosen from the active members of the fire department shall be elected by ballot at an annual election, at which election all active members of the fire department of said city, village or incorporated town shall be entitled to vote: *Provided*, that in any city, village or incorporated town where there is no comptroller appointed or elected, that the mayor of such city, village or incorporated town, shall be a member of such board.

The election in this section provided for shall be held annually, on the third Monday in April, under the Australian ballot system, at such place or places in such city, village or incorporated town, under such regulations as shall be prescribed by the members of this board who are members of such board by reason of their official positions: *Provided, however*, that no person entitled to vote under the provisions of this section shall cast more than one vote at any such election. In the event of the death, resignation or inability to act of any member of said board, elected under the provisions of this section, the successor to such member shall be elected at a special election, which shall be called by said board, and shall be conducted in the same manner as are the annual elections hereunder. The said board shall select from their number a president and secretary: *Provided*, that in villages and incorporated towns the "board of trustees of the firemen's pension fund" shall consist of the president of the board of trustees, the town or village clerk, the town or village attorney, the chief officer of the fire department and two other persons who shall be chosen annually from the active members of the fire department of such village or incorporated town. The two members of said board to be chosen from the active members of the fire department of said village or incorporated town to be elected in the manner provided for in this section for election of such members in cities.

§ 3. MANAGEMENT OF FUND—ASSESSMENT OF MEMBERS—DECIDING UPON APPLICATIONS—RECORD OF MEETINGS.] The said board shall have exclusive control and management of the fund mentioned in the first section of this Act, and of all money donated, paid, or assessed for the relief or pensioning of disabled, superannuated and retired members of the fire departments, their widows, minor children and dependent parents, and shall assess each member of the fire department not to exceed one per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of such city, village or incorporated town, who shall be *ex officio* treasurer of such board to the credit of such fund subject to the order of such board. The said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this Act, and its decisions on such

applications shall be final and conclusive, and not subject to review or reversal except by the board. The board shall cause to be kept a record of all its meetings and proceedings.

§ 4. REWARDS—GIFTS—DEVISES, ETC.—PERMANENT FUND.] All rewards in moneys, fees, gifts and emoluments that may be paid or given for, or on account of extraordinary services by said fire department, or any member thereof (except when allowed to be retained by said member, or given to endow a medal or other permanent or competitive award), shall be paid into said pension fund. The said board of trustees may take by gift, grant, devise or bequest, any money, real estate, personal property, right of property or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars (\$100,000) in the whole; and such money, real estate, personal property, right of property, or other valuable thing so obtained, also all fines and penalties imposed upon members of such fire department, shall in like manner be paid into said pension fund and treated as a part thereof, for the uses of such pension fund: *Provided*, that when the sum of two hundred thousand dollars (\$200,000) shall be received and accumulated, it shall be, together with all other sums in excess of two hundred thousand dollars (\$200,000) when so received and accumulated, retained as a permanent fund, and thereupon and thereafter the annual income of such permanent fund may be made available for the uses and purposes of such pension fund.

§ 5. POWER OF BOARD TO DRAW FUND—INVESTING SAME—DEPOSIT OF SECURITIES.] The said board of trustees shall have power to draw such pension fund from the treasury of such city, village or incorporated town and may invest such fund, or any part thereof, in the name of the "board of trustees of the firemen's pension fund," in interest-bearing bonds of the United States, of the State of Illinois, of any county of this State, or of any township or of any municipal corporation of the State of Illinois. And all such securities shall be deposited with the treasurer of said city, village or incorporated town as *ex officio* treasurer of said board, and shall be subject to the order of said board.

§ 6. INTEREST FROM INVESTMENT FROM FUND.] The interest received from any such investment of said fund, after said fund shall have reached the sum of two hundred thousand dollars (\$200,000), shall be applicable to the payment of pensions under this Act.

§ 7. RETIREMENT ON ACCOUNT OF PHYSICAL OR MENTAL DISABILITY.] If any member of the fire department of any such city, village or incorporated town shall, while in the performance of his duty, become and be found, upon an examination by a medical officer ordered by said board of trustees to be physically or mentally permanently disabled, by reason of service in such fire department, so as to render necessary his retirement from service in said fire department, said board of trustees shall retire such disabled member from service in such fire department: *Provided*, no such retirement on account of disability shall occur unless said member has contracted said disability while in the service of such fire department. Upon such retirement the said board of trustees shall order the payment to such disabled

member of such fire department, monthly, from said pension fund, a sum equal to one-half the monthly compensation allowed to such member as a salary at the date of his retirement.

§ 8. DEATH WHILE IN THE SERVICE, ETC.—PENSION TO WIDOW—MINOR CHILDREN—DEPENDENT PARENTS—WHEN FUND INSUFFICIENT.] If any member of such fire department shall, while in the service of such fire department, be killed, or die as the result of injuries received while in such service, or of any disease contracted by reason of his occupation, or if any member of such fire department shall, while in said service, die from any cause while in said service, or during retirement, or after retirement, after 22 years' service as hereinafter provided, and shall leave a widow, minor child or minor children under sixteen years of age, or dependent father or mother surviving, said board of trustees shall direct the payment from said pension fund of the following sums monthly, to-wit: To such widow, while unmarried, thirty-five dollars; to the guardian of such minor child or children, eight dollars for each of said children, until it or they, reach the age of sixteen years; to the dependent father, or dependent mother, of such fireman, twenty-five dollars each: *Provided*, it shall be proven that the deceased fireman at the time of his death, was the sole and only support of such parent or parents. Where the wife of such deceased fireman shall have died, either prior or subsequent to the death of such fireman, leaving a minor child or children, the said board shall pay to the duly appointed guardian of such child or children, for their support and maintenance, until it or they shall have reached the age of sixteen years, to each, the sum of fifteen dollars per month: *Provided, however*, that there shall not be paid to the family or dependents of any such deceased member, a total pension exceeding one-half the amount of the annual salary of such deceased fireman at the time of his decease; or, if a retired member, a sum not exceeding one-half the amount of the annual salary of such retired member at the date of his retirement. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof, the full amount per month, as hereinbefore provided, then, and in that event, an equal percentage of such monthly payments shall be made to each beneficiary thereof, until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

§ 9. BENEFICIARIES UNDER PRIOR ACT.] The widows and orphans of deceased firemen and retired members of the fire department, who are now entitled to pension or annuity under the provisions of an Act entitled "An Act for the relief of disabled members of police and fire departments in cities and villages," approved May 24, 1877, as amended, shall be entitled to the benefits, pensions and annuities provided for by this Act: *Provided*, such persons shall thereupon cease to receive pensions, relief or benefits under said Act of May 24, 1877.

§ 10. RETIREMENT AFTER TWENTY-TWO YEARS' SERVICE, ETC.] Any member of the fire department of any such city, village or incorporated town, after having served twenty-two years or more in such fire department, of which the last two years shall be continuous, may make application to be relieved from such fire department, or if he shall be

discharged from such fire department, the said board of trustees shall order and direct that said person shall be paid a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire department at the date of his retirement or discharge; and the said board upon the recommendation of the fire marshal or the chief officer of any fire department, provided for in this Act shall have the power to assign members of the fire department retired or drawing pensions under this Act, to the performance of light duties in such fire department in case of extraordinary emergencies. After the decease of such member, his widow, minor child or children, under sixteen years of age, his dependent parent or parents, if any surviving him, shall be entitled to the pension provided for in this Act, but nothing in this or any other section of this Act shall warrant the payment of any annuity to any widow of a deceased member of such fire department after she shall have remarried.

§ 11. TO WHOM ACT APPLIES.] This Act shall apply to all persons who are now or shall hereafter become members of such fire departments and to all persons who are now beneficiaries of the firemen's pension fund and all such persons shall be eligible to the benefits secured by this Act.

§ 12. TREASURER OF BOARD—CUSTODIAN OF FUND—BOOKS AND ACCOUNTS—BONDS.] The treasurer of the board shall be custodian of said pension fund and shall secure and safely keep the same, subject to the control and direction of the board; and shall keep his books and accounts concerning said fund in such a manner as may be prescribed by the board; and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall within ten days after his election or appointment, execute a bond to the city, village or incorporated town, with good and sufficient securities, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come into his hands as such treasurer; and that on the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to [into] his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, village or incorporated town, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same in the name of such city, village or incorporated town, for the use of said board, or of any person or persons injured by such breach.

§ 13. DUTY OF MAYOR, OR ETC., TO DRAW WARRANTS.] It shall be the duty of the mayor, or the president of the board of trustees and clerk, or the comptroller, if there be one, and the officer or officers of such city, village or incorporated town who are or may be authorized by law to draw warrants upon the treasurer of such city, village or incorporated town, upon request made in writing by said board, to draw warrants upon the treasurer of such city, village or incorporated town, payable to the treasurer of said board for all funds in the hands of the

treasurer of such city, village or incorporated town belonging to said pension fund.

§ 14. MONEY PAID ONLY UPON WARRANTS SIGNED, ETC.—INTEREST FROM FUND.] All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary thereof; and no warrant shall be drawn except by order of the board duly entered in the records of the proceedings of the board. In case the said pension fund or any part thereof shall, by order of said board or otherwise, be deposited in any bank, or loaned, all interest or money which may be paid or agreed to be paid on account of any such loan or deposit, shall belong to and constitute a part of said fund: *Provided*, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof, unless so authorized by the board.

§ 15. REPORT OF BOARD OF CONDITIONS OF FUND.] The board of trustees shall make report to the council of said city, village or incorporated town, of the condition of said pension fund on the first day of January in each and every year.

§ 16. FUND NOT SUBJECT TO LEVY EITHER BEFORE OR AFTER ORDER OF DISTRIBUTION, ETC.] No portion of said pension fund shall, either before or after its order of distribution by said board to such disabled members of said fire department, or to the widow or guardian of such minor child or children, or to the dependent parent or parents, or a deceased or retired member of such department, be held, seized, taken, subject to, or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction in whole or in part of any debt, damages, claim, demand or judgment against any such member, or his said widow or the guardian of said minor child or children dependent parent or parents, of any deceased member; but the said fund shall be sacredly held, kept, secured and distributed for the purposes of pensioning the persons named in this Act, and for no other purpose whatever.

§ 17. REPEAL.] All Acts or parts of Acts inconsistent with this Act are hereby repealed.

APPROVED June 1, 1907.

LOCAL IMPROVEMENTS—JOINT IMPROVEMENTS.

§ 1. Adds section 97a to Act of 1897.

§ 97a. Cities join with others—
 advisability — hearing
 — ordinance — petition
 — remonstrance — court
 ascertain variances —
 consolidation — assess-
 ment — apportionment
 — dismissal of petition
 — board to have entire
 control — collection of
 assessments — inde-
 pendent improvements
 — proportional cost.

(HOUSE BILL NO. 799. APPROVED MAY 20, 1907.)

AN ACT to amend an Act entitled "*An Act concerning local improvements,*" approved June 14, 1897, in force July 1, 1897, as heretofore amended, by adding thereto a new section to be known as section 97a.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled "*An Act concerning local improvements,*" approved June 14, 1897, in force July 1, 1897, as heretofore amended, be and the same is hereby amended by adding thereto a new section to be known as section 97a. Said section to read as follows:

§ 97a. Any city, village or incorporated town or other corporate authorities to which the provisions of this Act shall apply may, if it or they shall see fit, join with any other city or cities, village or villages, incorporated town or towns or other corporate authorities, (lying within the same county) to which the provisions of this Act shall apply, in the making of any local improvement or improvements hereunder, and all the terms and provisions of this Act shall govern each of the cities, villages, incorporated towns, or other corporate authorities, so joining except where the same are hereinafter modified as follows. to-wit:

The first resolution of the board of local improvements of each of the cities, villages, incorporated towns or other corporate authorities so joining shall recite the advisability of making the proposed improvement with the city or cities, village or villages, incorporated town or towns, or other corporate authorities whose coöperation is desired, and the notice for public hearing, the ordinance, and the petition for the confirmation of the assessment shall, on the part of each of the cities, villages, incorporated towns or other corporate authorities so joining, make reference thereto: *Provided, however,* that only so much of said proposed improvement as lies within each of said municipalities shall be described in said resolution: *Provided, also,* that whenever a remonstrance petition as provided in section eight (8) of this Act is filed by the owners of a majority of the property fronting that portion of said improvement which lies within any one of said petitioning municipalities, said remonstrance shall stay said joint proceeding one year from said date.

Upon the coming into court of the petitions the court shall first ascertain if there is any substantial variance between the ordinances of

the cities, villages, incorporated towns or other corporate authorities so joining, and if such substantial variance shall be found no further proceedings shall be had thereon until time shall have been granted for amendments to such ordinance or ordinances: *Provided, however,* that in case amendments are necessary, no further resolution, public hearing or preliminary proceedings leading up to the same shall be required.

When the court shall be satisfied that the ordinances are alike in substance it shall enter an order consolidating said petitions and in said order shall designate and appoint one of said petitioning municipalities thenceforth to conduct all proceedings therein in the name of the municipality so designated, and all the provisions of this Act now applicable to municipalities of the class so designated shall govern the proceedings for the levy and confirmation of the assessment for said improvement. The commissioner or commissioners so appointed by the court in special assessment or condemnation proceedings are hereby expressly authorized and empowered to file one assessment roll and report and to levy said assessment upon all lands within the limits of said petitioning municipalities to the extent that the same may be benefited by said improvement.

The proportion of the cost of said improvement, if any, which shall be of benefit to the public shall be assessed between the petitioning municipalities in such amounts as shall to the court appear to be just and equitable. Neither of the petitioning municipalities shall dismiss its petition except by agreement with its co-petitioner or co-petitioners, or upon such terms as to costs as may be fixed by the court: *Provided, however,* that the cost of making and collecting the assessment for that part of the improvement lying within the respective municipalities shall be paid out of the general funds or levied upon the lands of each of the petitioning municipalities in the manner now provided by law.

The board of local improvement of the municipality so designated by the court shall have charge and control of all matters relating to the letting of contracts, accepting or rejecting bids, awarding and executing contracts, completing unfinished work, execution, superintendence and inspection of work, and the issuing of bonds and vouchers, the report of the cost of the work, crediting the excess upon assessments, rebates, and the final hearing as to whether the improvement conforms substantially to the requirements of the ordinances therefor, and of all matters necessary to the construction of said improvement.

Each petitioning municipality shall have charge and control of the collection of the assessments levied upon the land lying within its jurisdiction, and the treasurer of each of said municipalities or such other office as may be authorized by law to collect the same shall pay over the moneys so collected to the municipality so designated and appointed by the court and said municipality shall pay such moneys to the parties entitled thereto: *Provided, however,* that nothing in this section contained shall be construed to prevent any city, village, incorporated town, or other corporate authorities from proceeding independently in the making of any improvement, or portion thereof,

which might be made jointly as aforesaid: *Provided*, that where a proposed improvement lies wholly within one municipality the proportional cost may be paid out of the funds of any other municipality which may be benefited thereby, where such municipality has by previous agreement under the terms and conditions of this Act entered into said improvement, either by special assessment, special tax or by general taxation.

APPROVED May 20, 1907.

LOCAL IMPROVEMENTS—WATER WORKS, BRIDGES AND VIADUCTS.

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| § 1. Adds sections 15a, 33a, 61a, 77a, 89a and 89b to Act of 1897. | § 67a. Certifying roll — ordinance for issuance of warrants—land taken. |
| § 15a. Ordinance — division of assessment in installments. | § 77a. Provisional contracts. |
| § 33a. Submission of proposition to levy annual tax—notice—ballots—returns—tax rate. | § 89a. Lien—deed of trust. |
| | § 89b. Water works fund. |
| | § 2. Act does not apply to cities of over 100,000. |

(SENATE BILL NO. 542. APPROVED MAY 25, 1907.)

AN ACT to amend an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as heretofore amended, by adding thereto six new sections to be known as section 15a, section 33a, section 61a, section 77a, section 89a and section 89b.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as heretofore amended, be, and the same is hereby amended by adding thereto six new sections, to be known as "section 15a," "section 33a," "section 61a," "section 77a," "section 89a," and "section 89b."

Said sections to read as follows:

§ 15a. Whenever any local improvement provided to be made by any ordinance therefor passed by virtue of the Act, to which this Act is an amendment, shall consist of a system of waterworks or a bridge or viaduct, any portion of the cost of which is to be defrayed by special assessment, it shall be lawful to provide by the ordinance for the same or by ordinance passed at any time before the confirmation of the assessment roll, that the aggregate amount assessed and each individual assessment, and also the assessment against the municipality for public benefits and on account of property owned by it, may be divided into not exceeding thirty (30) installments in the manner provided in section 42 of said Act to which this Act is an amendment, as near as may be.

§ 33a. Whenever any ordinance shall be passed for the making of a local improvement consisting of a water works system, or a bridge or viaduct, the estimated cost of which shall not be less than thirty thousand dollars (\$30,000) (any portion of which is to be defrayed by special assessment), and the assessment therefor shall have been

made and the report thereof filed in the court having jurisdiction thereof, in and by which assessment the amount assessed against the city, town or village as public benefits, shall exceed one per centum of the total amount of taxable property in such city, town or village as shown by the last preceding assessment for State and county taxes, the city council of such city, and the board of trustees of such town or village shall have power to levy in addition to the taxes now authorized by law, a direct annual tax for not exceeding thirty (30) successive years, and not exceeding one cent on the dollar of all taxable property in such city, town or village, the same to be levied and collected with, and in like manner as the general taxes of said city, town or village, and be known as "The Water Works Tax," or "Bridge Tax," as the case may be, and the fund arising therefrom shall be known as the "Water Works Fund" or "Bridge Fund" as the case may be; which funds shall be used solely for the purpose of paying such assessments for public benefits: *Provided, however*, that the proposition to levy such tax shall first be submitted to the voters of such city, town or village at a general or special election to be called by an ordinance duly passed by the city council of such city, or the board of trustees of such town or village, in and by which, the proposition or propositions to be submitted shall be defined, the time of holding of such election shall be fixed and the form of the notice to be given shall be prescribed. Such notice shall be given by posting a copy thereof in each of ten or more public places, in such city, town or village, and by publishing the same once in each week for three successive weeks in one or more newspapers published in such city, town or village, the first publication of which notice and the posting of said notice shall be at least twenty days before the day on which said election is to be held, and in case no newspaper shall be published in such city, town or village, then by the publication thereof in the nearest newspaper thereto, and by posting at least five notices in each ward thereof for the length of time aforesaid. At such election official ballots shall be used and the judges and the clerks thereof shall be appointed in the same manner and the number and location of the polling places shall be the same as at the general elections for the election of officers in such city, town or village, and such elections shall in all other respects be conducted and the returns thereof made in the same manner as in case of such general elections. If more than two-thirds of the votes cast upon the proposition or propositions submitted at such election shall be in favor of the same, the tax so authorized shall be levied according to the specifications contained in such ordinance, but no more than three mills upon the dollar shall be levied for the purpose of paying the assessment for the construction of any bridge or viaduct, and no more than ten mills on the dollar for the construction of any such water works system.

§ 61a. Whenever any warrant shall be issued by the clerk of the court in which the judgment of confirmation is rendered, for the collection of any special assessment to which this amendatory Act relates, such warrant shall not authorize the collection of any assessment levied against the city, town or village for and on account of public benefits,

but said clerk shall likewise certify the assessment roll and judgment to the clerk or comptroller, if any, of such city, town or village upon being requested so to do by such clerk. The several and respective installments of the amounts that may be assessed against the city, town or village for and on account of public benefits and confirmed by the court, shall be paid out by the treasurer of the city, town or village from and out of any moneys arising from the collection of the direct annual tax provided for in and by section 33a of this amendatory Act and out of any other moneys in his hands that may be used for that purpose whenever he shall be legally authorized so to do, by an ordinance of said city, town or village. Any such city, town or village may pay for any land to be taken or damaged in the making of any local improvement to which this amendatory Act relates, before any such assessment or any installment thereof shall become due, and when the same becomes due, the amount so paid shall be credited upon the assessment against the city, town or village so paying in advance.

§ 77a. Whenever any contract shall have been awarded to any bidder for the construction of any water works system, bridge or viaduct referred to in this amendatory Act, the bid of the party to whom the contract shall have been awarded and the award therefor shall be treated as provisional and shall not be binding upon the party to whom the same is awarded, or upon the city, town or village, until the levying of the tax herein provided for shall have been authorized by the voters of such city, town or village voting at an election to be held as herein provided.

§ 89a. When any city, town or village shall have provided by ordinance for the construction of a water works system, any portion of the cost of which is to be paid by special assessment and a direct annual tax shall have been authorized by a vote of the people as provided in this amendatory Act, then in order to secure the payment of the cost of such construction, the contractor and holders of the bonds that may be issued in payment of such costs, in the manner provided in the Act hereby amended, shall have a lien upon such water works system and upon the income to be derived from the operation of the same, to secure the payment of the amounts due them respectively, such lien to be to the fullest extent that such city, town or village may be authorized by law to create. Such city, town or village shall, upon the request in writing of the contractor for the construction of such water works, or the holder or holders of a majority in amount of the said bonds, convey by a deed of trust in the nature of a mortgage the water works system so to be constructed, and all the property, both real and personal, pertaining thereto, such deed of trust to secure the payment of such assessment for public benefits or such bonds as the contractor or holder of such bonds may elect, the trustee in such deed of trust to be selected by the contractor or the holder or holders of such majority of such bonds.

§ 89b. The entire proceeds arising from the operation of such water works system shall be paid into the treasury of said city, town or village and be kept in a separate fund to be known as the "Water

Works Fund," and after the payment therefrom of the necessary running and operating expenses of such water works system, the balance shall from time to time be credited by said treasurer upon the assessment levied against such city, town or village for public benefits and the respective installments thereof; and shall be applied toward the payment of the cost of such water works system in the manner provided by said Act as amended; and until the said bonds so issued to pay the cost of the construction of such water works system, and the interest thereon shall have been fully paid, the treasurer of such city, town or village shall not pay any warrants drawn on said "Water Works Fund" for any other purpose except for the payment of the necessary operating expenses of such water works system. In case such water works system shall be used and operated to supply water for any existing distributing system, then the entire proceeds derived from the operation of such water works system and such distributing system so supplied with water shall be apportioned and divided in proportion to the original cost of such distributing system, and the cost of said water works system herein provided for. Such cost to be ascertained and determined by the clerk of such city, town or village. The portion of such income that shall be so found or determined to be on account of or arise from the operation of such water works system shall be paid to said treasurer and placed in said "Water Works Fund" and used only in the manner aforesaid.

§2. This amendatory Act shall not apply to any city, town or village having a population of more than one hundred thousand inhabitants.

APPROVED May 25, 1907.

POLICE MAGISTRATES—ELECTION.

§ 1. Amends section 1, Act of 1875.

§ 1. Changes time of election of police magistrates in certain municipalities.

(HOUSE BILL NO. 633. APPROVED MAY 24, 1907.)

AN ACT to amend section one (1) of an Act entitled, "An Act to authorize the election of police magistrates in towns, cities and villages where the same are not now provided for by law," approved and in force April 13, 1875.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an Act entitled, "An Act to authorize the election of police magistrates in towns, cities and villages where the same are not now provided for by law," approved and in force April 13, 1875, be amended to read as follows:

Sec. 1. That all towns, cities and villages in the State which have been incorporated under charters granted by special acts, or under a general act, when the law under which they are incorporated does not authorize the election of a police magistrate, be and they are hereby authorized to elect one police magistrate at the first annual election of town, city or village officers that shall occur after the passage of this Act, and quadrennially thereafter. Such police magistrates shall hold

their offices for the same term, be commissioned and qualified, and have the same jurisdiction and fees, as police magistrates of villages have under the general law for the incorporation of cities and villages: *Provided*, that in all cities, towns and villages in this State where a police magistrate is now elected at a time when no regular city election is held for other city officers, the police magistrate elected at the last election shall hold his office until the next regular election of city officers, which shall occur after the expiration of the present term for which such police magistrate has been elected, and such cities be, and they are hereby authorized to elect one police magistrate at the first regular election for city officers which shall occur after the expiration of the term of office for which the magistrate now holding office is elected, and every four years thereafter.

APPROVED May 24, 1907.

POLICE PENSION FUND.

§ 1. Amends section 3, Act of 1887.

§ 2. Emergency.

§ 3. Who shall be pensioned—
combined service upon
police and fire depart-
ment.

(HOUSE BILL No. 189. APPROVED APRIL 19, 1907.)

AN ACT to amend section three (3) of an Act entitled, "*An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns,*" approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force May 16, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three (3) of an Act entitled, "*An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns,*" approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force May 16, 1903, be amended so as to read as follows:

§ 3. Whenever any person, at the time of the taking effect of said Act, to which this is an amendment, or thereafter, shall be duly appointed and sworn and have served for a period of twenty years or more upon the regularly constituted police force of such city, village or town of this State, subject to the provisions of this Act, or where the combined years of service of any person upon the police force and fire department, as aforesaid, of such city, village or town, shall aggregate twenty years or more, said board shall order and direct that such person, after becoming fifty years of age and his service on such police force shall have ceased, shall be paid a yearly pension equal to one-half the amount of salary attached to the rank which he may have held on said police force for one year immediately prior to the time of such re-

tirement: *Provided, however,* the maximum of said pension shall not exceed the sum of \$900.00, and the minimum be not less than \$600.00 per annum; and after the death of such person pensioned by virtue of the above section of the Act to which this is an amendment, or any Acts amendatory thereof, the widow or child or children under sixteen years of age of any such pensioner who died prior to the taking effect of this amendment, shall hereafter be paid the pension herein provided for such husband or father: But nothing herein contained shall warrant the payment of any annuity to any such widow after she shall have remarried: *And, provided, further,* that all police officers retired after twenty years' service on the police force of such city, village or town (or where the combined years of service of such officer upon the police and fire department shall aggregate twenty years or more) above the age of fifty years, now receiving a pension, shall receive the same pension now allowed them, and that the widow or child or children under sixteen years of age of any deceased pensioner, pensioned as aforesaid, shall receive the same pension heretofore received by such deceased husband or father: *Provided,* that in no case shall said pension exceed the sum of \$900.00 per annum.

§ 2. WHEREAS, An emergency exists for the immediate taking effect of this Act, therefore it shall be in force from and after its passage.

APPROVED April 19, 1907.

SIDEWALKS—NEW ORDINANCES.

§ 1. Amends section 8, Act of 1875.

§ 8. When tax is set aside new ordinance may be passed.

(SENATE BILL No. 360. APPROVED MAY 25, 1907.)

AN ACT to amend section 8 of an Act entitled, "*An Act to provide additional means for the construction of sidewalks in cities, towns and villages,*" approved April 15, 1875, in force July 1, 1875, as amended by Act filed May 18, 1905, in force May 18, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 8 of an Act entitled, "*An Act to provide additional means for the construction of sidewalks in cities, towns and villages,*" approved April 15, 1875, as amended by an Act filed May 18, 1905, in force May 18, 1905, be amended so as to read as follows:

§ 8. If any special tax for the construction of a sidewalk shall have been [made] prior to the taking effect of this amendment or shall hereafter be annulled by the city council or board of trustees or set aside by any court, a new ordinance may be passed and a new tax may be made and returned and the proceedings therefor shall be the same as in the first instance, and all parties in interest shall have like rights and like powers in relation to any subsequent tax as are hereby given in relation to the first tax. No special tax shall be held void because levied for work already done under a prior ordinance, if it shall appear that such work

was done in good faith, by the city, village or town, or under contract duly let and executed, pursuant to an ordinance providing that such sidewalk should be paid for by special tax.

APPROVED May 25, 1907.

WATER WORKS AND SEWER SYSTEMS.

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| <p>§ 1. Purchase or lease authorized—ordinance—publication—petition for submission of question to voters.</p> <p>§ 2. Indebtedness—separate fund—failure to pay indebtedness.</p> | <p>§ 3. Borrow money—tax levy—bonds.</p> <p>§ 4. Contracts for water supply.</p> <p>§ 5. Emergency.</p> |
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(HOUSE BILL NO. 471. APPROVED MAY 20, 1907.)

AN ACT entitled, "An Act to further enable cities, villages and incorporated towns to lease, purchase, or construct water and sewer systems, provide for the payment of the same and any indebtedness thereon and contracts therewith."

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities, villages or incorporated towns where a water works or sewerage system, or both, is now being constructed or may hereafter be constructed by any person, firm or corporation, the city, village or incorporated town may purchase, or lease, such water works or sewerage system, or both, from the owner or owners thereof: *Provided, however,* that before such leasing or purchase shall be binding upon the city, village or incorporated town, the city council or board of trustees, as the case may be, shall pass an ordinance empowering and authorizing such municipality to lease or purchase such water or sewer system, or both, and including the terms, as near as practicable, upon which such leasing or purchase shall be made, which ordinance shall be posted for a period of not less than ten days in at least five public places in such municipality and published at least once a week each week for two successive weeks in a newspaper published in said municipality. If no petition shall be presented to said city council or board of trustees, as hereinafter provided, within twenty-one days after said ordinance is so published and posted, it shall be lawful for said city council or board of trustees to consummate the leasing or purchase of such water or sewer system, or both, as provided in the ordinance aforesaid. If within twenty-one days after the first publication of said ordinance a petition shall be filed with the municipal clerk addressed to the city council or board of trustees signed by twenty per cent of the number of voters voting at the last general election held in said city, incorporated town or village asking that said question of leasing or purchase of such water works or sewerage system or both be submitted to a vote, it shall be the duty of the legislative body of such municipality to call a special election in manner provided by law to vote upon such question, and if it appears that a majority of the voters voting upon such question at such election vote in favor of leasing or purchasing such water or sewer system, or both, then said corporate authorities may complete such leasing or purchase, but, if a majority

of such votes are against said proposition then no further action shall be taken by such municipality for a period of not less than six months, when the same or other proposition may be submitted as before.

§ 2. If any city, village or incorporated town shall be authorized to purchase any water works or sewerage system, or both, as aforesaid, and the same shall be pledged to secure the payment of any bonds, or other written evidences of indebtedness by mortgage or trust deed, then said city or municipality may direct, by order or resolution, the clerk and treasurer thereof to enter the same on the records of such municipality, as an indebtedness against said waterworks or sewerage system only, and shall cause all the revenues derived from the operation of said systems; and all rents due and payable said former owners for use of water and sewerage purposes, and pledged for the payment of such indebtedness, to be set apart in a separate fund for the payment of such indebtedness as it becomes due and payable, provided said systems can be operated and maintained from the current funds of such municipality duly appropriated therefor: *Provided, further*, that nothing in this law contained shall be construed so as to affect the lien thereof and render null and void any bond, mortgage or trust deed securing any indebtedness upon said systems or a franchise and contract under which they were operated, executed by any person, firm or corporation as owner thereof for the construction and installation of any water or sewer system, or both, prior to the transfer of the same to any municipality as aforesaid, should such municipality neglect or fail to pay such indebtedness as it falls or becomes due and in event of a foreclosure of any mortgage or trust deed as aforesaid at the instance of *bona fide* holders of any bonds or notes thereby secured and unpaid, the said mortgagee or trustee for said bondholders shall be reinvested to all former rights existing in their behalf by virtue of any franchise and contract granted such municipality to the person, firm or corporation creating such indebtedness and which has been pledged as aforesaid.

§ 3. Such cities, villages and incorporated towns may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the leasing or purchase and maintenance of such waterworks and sewerage systems and for the payment of any existing indebtedness thereon, and may issue bonds of said municipality to procure funds to purchase any such system or systems, and to pay off existing bonds or indebtedness thereon at the time of said purchase, at any time thereafter that the financial condition of the municipality will permit: *Provided, also*, an appropriation having been made therefor, such municipality may constitute and make any bond falling due during the current year and secured by a trust deed on such system or systems and issued to procure funds to build and construct the same, a bond of said city, for such year and levy and collect a tax to pay the same: *Provided*, such action does not increase the bonded indebtedness of said municipality in excess of the constitutional limit of such year, for which said tax is to be levied and collected.

§ 4. To enable cities, incorporated towns or villages to promote and procure the building, construction and installation of water and sewer systems, when it becomes necessary for public health and welfare or better sanitary conditions of such municipality, such city, village or incorporated town is hereby authorized to contract with any person, firm or corporation for a supply of water for public uses and for sewerage for drainage and sanitary purposes of such municipality for a period not exceeding thirty years; any contract made and entered into by any municipality as aforesaid and pledged to secure the bonds issued to build and construct any water or sewer system shall at all times and under all conditions enure to the benefit of the holders of any of said bonds and for the payment of the same.

§ 5. WHEREAS, An emergency exists, this Act shall be in full force and effect from and after its passage.

APPROVED May 20, 1907.

CIVIL SERVICE.

STATE CHARITABLE INSTITUTIONS—EXEMPTIONS FROM CLASSIFIED SERVICE.

§ 1. Amends section 11, Act of 1905.

§ 11. Who not included in classified service.

(SENATE BILL NO. 100. APPROVED APRIL 19, 1907.)

AN ACT to amend section 11 of an Act entitled, "*An Act to regulate the civil service of the State of Illinois*," approved May 11, 1905, and in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 11 of an Act entitled, "*An Act to regulate the civil service of the State of Illinois*," approved May 11, 1905, and in force July 1, 1905, be amended so as to read as follows: "All members of charitable boards, trustees, treasurers and commissioners, superintendents of charitable institutions and one chief clerk or deputy and one stenographer for each institution to which the provisions of this Act shall apply, shall not be included in the classified service."

APPROVED April 19, 1907.

STATE CHARITABLE INSTITUTIONS—REVISION.

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| § 1. Amends sections 4, 6, 9, 10, 12, 18, 19 and 35, Act of 1905. | § 10. Appointments to classified service. |
| § 4. Rules. | § 12. Removals—reductions—suspensions. |
| § 6. Examinations. | § 18. Salaries and expenses. |
| § 9. Promotions. | § 19. Frauds prohibited. |
| | § 35. What officers to prosecute. |

(SENATE BILL NO. 488. APPROVED MAY 25, 1907.)

AN ACT to amend sections 4, 6, 9, 10, 12, 18, 19 and 35 of an Act entitled, "An Act to regulate the civil service of the State of Illinois," approved May 11, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 4, 6, 9, 10, 12, 18, 19 and 35 of an Act entitled, "An Act to regulate the civil service of the State of Illinois," approved May 11, 1905, in force July 1, 1905, be and the same is hereby amended to read as follows:

§ 4. RULES.] Said commission shall make rules to carry out the purposes of this Act; and for examinations, appointments and removals, in accordance with the provisions thereof and the commission may from time to time make changes in the rules.

§ 6. EXAMINATIONS.] All applicants for offices or places in said classified service, except those mentioned in section 11, shall be subjected to examination, which shall be public, competitive, and free to all citizens of the State of Illinois, with limitations specified in the rules of the commission as to residence, age, sex, health, habits and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and may include tests of physical qualifications and health, and when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the State, to be examiners, and it shall be the duty of such examiners, and if in the official service it shall be a part of their official duty without extra compensation, to conduct such examination as the commission may direct, and to make return or report thereof to said commission; and the commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the commission may themselves at any time act as such examiners, and without appointing examiners. The examiners at any examination shall not all be members of the same political party. Whenever the list of persons examined and eligible for original appointment for any position in the classified service shall be less than five, the commission shall hold an examination for such position.

§ 9. PROMOTIONS.] The commission shall, by its rules, provide for promotions in such classified service, and shall provide that any vacancy shall be filled by promotion where, in the judgment of the commission, it will be for the best interests of the service to fill such vacancy. If, in the judgment of the commission, it is not for the best interests of the service to fill such vacancy by promotion, then such vacancy shall be filled by an original entrance examination. All examinations for promotion shall be limited to such members of the lower ranks or grades who, by the rules of the commission are in the line of promotion, and it shall be the duty of the commission to certify to the appointing power the name and address of the applicant for each promotion having the highest rating. The method of examination and the rules governing same shall be the same as provided for applicants for original appointments.

§ 10. APPOINTMENTS TO CLASSIFIED SERVICE.] The head of a department, office or institution in which a position classified under this Act is to be filled shall notify said commission of that fact and said commission shall certify to the appointing officer the names and addresses of three candidates standing highest upon the register for the class or grade to which said position belongs, and the head of such department, office or institution, shall appoint one of the three so certified and after a candidate has been certified three times by the commission and shall not have been appointed by the head of the department, office or institution, his name shall be stricken from the register. In making such certification sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specifies sex. Persons who were engaged in the military or naval service of the United States during the years 1861, 1862, 1863, 1864 or 1865, and who were honorably discharged therefrom, shall be preferred for appointment to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, and it shall be the duty of the examiner or commissioner certifying the list of eligibles who have taken the examinations provided for in this Act, to place the name or names of such persons at the head of the list of eligibles to be certified for appointment. The appointing officer shall notify said commission of each position to be filled separately, and shall fill such place by appointment from the persons certified to him by said commission therefor. Said commission may strike off the names of all candidates from any eligible list after they have remained thereon more than two years.

§ 12. REMOVALS, REDUCTIONS AND SUSPENSIONS.] No person shall be removed from the classified service or reduced in grade or compensation, except as hereinafter provided. Whenever it will promote the efficiency of the service, removals from the classified service or reductions in grade or compensation, or both, may be made in any department of such service by the appointing power in the manner following: The person sought to be removed shall be served with a copy of the order of removal and notice of suspension from such service and also written specifications; and such person shall have not less than three nor more

than seven days to answer the same in writing. A copy of the order, specifications, and answer, if any, shall be filed with the civil service commission, which shall promptly approve or disapprove of such order. Said commission may in its discretion investigate any removal or reduction and shall investigate any such case which it has reason to believe has not been made for the purpose and in the manner herein provided. Such suspension shall be without pay: *Provided, however,* that said commission in case of a disapproval may direct that pay shall be restored. Reductions in grade or compensation, or both, shall be made in the like manner, as near as may be, but without suspension pending such approval or disapproval. A copy of said papers in each case shall be made a part of the record of the division of the service in which the removal or reduction is made. No removal or reduction shall be effective if disapproved by the commission. All decisions by said commission shall be final and shall be certified to the appointing power and shall be forthwith enforced by such officer. Nothing in this Act shall limit the power of any officer to suspend a subordinate without pay for cause assigned in writing, a copy of which shall be delivered to such subordinate. Such suspension shall be for a reasonable period, not exceeding thirty days, and any suspension may be investigated by said civil service commission. In the course of any investigation provided for in this section each member of the civil service commission shall have the power to administer oaths, and said commission shall have the power to secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation.

§ 18. SALARIES AND EXPENSES.] Each of said commissioners shall receive a salary of three thousand dollars a year; the chief examiner shall receive a salary of three thousand five hundred dollars a year, and said commissioners and chief examiner shall be paid their necessary traveling expenses. Any person not at the time in the official service of the State, serving as a member of the board of examiners, or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of the trial board, at the rate of not exceeding five dollars per day and necessary traveling expenses. Said commission may also incur necessary expenses for clerk hire, stationery, printing, and other incidental expenses, and the said salaries and expenses shall be allowed and paid in the same manner as the salary and expenses of the Governor's office.

§ 19. FRAUDS PROHIBITED.] No person or officer shall wilfully or corruptly, by himself, or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right of examination hereunder; or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing; or wilfully or corruptly make any false representation concerning the same or concerning the person examined; or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted. And no applicant for

any examination shall wilfully or corruptly by himself, or in coöperation with one or more persons, deceive the said commission with reference to his identity, or wilfully or corruptly make any false representations in his application for any examination, or commit any fraud for the purpose of improving his prospects or chances in such examination.

§ 35. WHAT OFFICERS TO PROSECUTE.] Prosecutions for violation of this Act may be instituted either by the Attorney General or by the State's Attorney for the county in which the offense is alleged to have been committed, or by the commission acting through special counsel. Such suits shall be conducted and controlled by the prosecuting officers who institute them unless they request the aid of other prosecuting officers.

APPROVED May 25, 1907.

CONVEYANCES.

REGISTRATION OF LAND TITLES—INDEMNITY FUND.

§ 1. Amends sections 101 and 102, Act of 1897.

§ 101. Proceedings to recover compensation for loss or damage.

§ 102. Action to recover for loss or damage—indemnity fund—payment of claims.

(SENATE BILL NO. 483. APPROVED MAY 24, 1907.)

AN ACT to amend sections 101 and 102 of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 101 and 102 of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897, be amended as follows:

§ 101. Any person sustaining loss or damage through any omission, mistake or misfeasance of the registrar, or of any examiner of titles, or of any deputy or clerk of the registrar in the performance of their respective duties under the provisions of this Act, and any persons wrongfully deprived of any land or any interest therein, through the bringing of the same under the provisions of this Act, or by the registration of any other person as owner of such land, or by any mistake, omission or misdescription in any certificate, or in any entry or memorandum in the register book, or by any cancellation, and who by the provisions of this Act is barred or in any way precluded from bringing an action for the recovery of such land or interest therein, or claim upon the same, shall have a right of action for the damages thus sustained against the county in which such land shall be registered, and may file a claim with the county board, or bring an action at law against the county in which said land is situated for the recovery of such damages.

§ 102. Said indemnity fund shall be held to satisfy judgments obtained or claims allowed against the county for losses or damages as

aforesaid. Such claims for damages may be presented to the county board, and such county boards are hereby authorized and empowered to allow or reject the same in accordance with such practice as may be by them adopted, and to provide for the payment of such claims as may be allowed. The rejection of any claim so presented shall be no bar to the bringing of suit for the same in any court of competent jurisdiction. No claims for such losses or damages shall be allowed and paid by any such county board unless upon the recommendation of the registrar who shall be in office at the time said claim shall be allowed. Upon the rendition of a judgment by a court of competent jurisdiction upon such claim, or upon the allowing of such claim by the county board, payment thereof shall only be made upon the order of such county board. Until the indemnity fund provided as aforesaid shall have been exhausted, payment for any such losses or damages shall be made out of such fund.

APPROVED May 24, 1907.

REGISTRATION OF LAND TITLES--REVISION.

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| <p>§ 1. Amends sections 11, 18, 48, 93, 94 and 108: repeals sections 70 to 79, inclusive, and adds sections 70, 71 and 72 to Act of 1897.</p> <p>§ 11. Application to come under Act—what to contain—adverse claims.</p> <p>§ 18. Examination of application—abstract of title as evidence.</p> <p>§ 48. Memorandum of transfer on original certificate.</p> | <p>§ 70. Transmission—order of court.</p> <p>§ 71. Petition for transfer of property of deceased registered owner—proceedings.</p> <p>§ 72. Order of court subject to review.</p> <p>§ 93. Proceedings in chancery.</p> <p>§ 94. Person feeling aggrieved by action of registrar may file bill, etc.</p> <p>§ 108. Registrar's fees—repeat.</p> |
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(HOUSE BILL NO. 710. APPROVED MAY 24, 1907.)

AN ACT to amend sections 11, 18, 48, 93, 94 and 108 of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897, and to repeal sections 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 of the same Act, and to add three new sections to be known as sections 70, 71 and 72.

SECTION I. *Be it enacted by the People of the State of Illinois represented in the General Assembly: That sections 11, 18, 48, 93, 94 and 108, of an Act entitled, "An Act concerning land titles," approved and in force May 1, 1897, be amended as herein set forth. That sections 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79, of the said Act be repealed, and that three new sections be added to be known as sections 70, 71 and 72.*

§ 11. The application shall be in writing, signed and sworn to by the applicant or the person acting in his behalf. It shall set forth substantially:

a. The name and place of residence of the applicant, and if the application is by one acting in behalf of another, the name and place of residence and capacity of the person so acting.

b. Whether the applicant (except in the case of a corporation) is married or not, and if married, the name and residence of the husband or wife.

c. The description of the land.

d. The applicant's estate or interest in the same, and whether the same is subject to an estate of homestead.

e. Whether the land is occupied or unoccupied, and, if occupied by any other person than the applicant, the name and postoffice address of each occupant, and what estate or interest he has or claims in the land.

f. Whether the land is subject to any lien or encumbrance, and, if any, give the nature and amount of the same, and, if recorded, the book and page of record; also give the name and postoffice address of each holder thereof.

g. Whether any other person has any estate or claims any interest in the land, in law or equity, in possession, remainder, reversion or expectancy, and if any, set forth the name and postoffice address of every such person and the nature of his estate or claim.

h. In case it is desired to settle or establish boundary lines the names and postoffice addresses of all the owners of the adjoining lands that may be affected thereby, so far as he is able, upon diligent inquiry, to ascertain the same.

i. If the applicant is a male, that he is of the full age of twenty-one years; if a female, that she is of the full age of eighteen years. If the application is on behalf of a minor, the age of such minor shall be stated. If the application is by husband or wife, the other shall by endorsement thereon acknowledge as in the case of deeds or by a separate instrument acknowledged in the same way signify his or her assent to the registration as prayed.

j. When the place of residence of any person whose residence is required to be given is unknown, it may be so stated if the applicant will also state that upon diligent inquiry he has been unable to ascertain the same. All persons named in the application shall be considered as defendants thereto, and all other persons shall be included and considered as defendants by the term "all of whom it may concern."

k. Where any person or persons have or claim any interest adverse to the applicant in any county where the records have been burnt or destroyed by fire, and the record of such adverse claim has been so burnt or destroyed, and where the existence of such adverse claim and the name or names of the person or persons making the same are unknown to the applicant, and where such adverse claim has not become a matter of public record since the destruction of the record thereof by fire, it shall be sufficient to designate the person or persons having or making such adverse claim defendants by the term "all whom it may concern."

§ 18. Immediately upon the filing of the application, an order may be entered referring the same to one of the examiners of title appointed

by the registrar, who shall proceed to examine into the title and into the truth of the matter set forth in the application, and particularly whether the land is occupied, the nature of the occupation, if occupied, and by what right, and make report in writing to the court, the substance of the proof and his conclusions therefrom. He shall have power to administer oaths and examine witnesses, and may, at any time, apply to the court for directions in any matter concerning his investigation. The examiner may receive in evidence any abstract of title or certified copy thereof, made in the ordinary course of business by makers of abstracts; but the same shall not be held as more than *prima facie* evidence of title, and any part or parts thereof may be controverted by other competent proofs. He shall not be required to report to the court the evidence submitted to him, except upon the request of some party to the proceeding, or by the direction of the court. No report shall be made upon such application, until after the expiration of the time specified in the notice hereinafter provided for the appearance of the defendants, and in case of such appearance, until opportunity is given to such defendant to contest the rights of the applicant in such manner as shall be allowed by the court.

§ 48. If the land described in the certificate of title is divided into blocks, or lots designated by numbers or letters, or if the land which is described in the certificate shall have been subdivided into blocks and lots since the initial registration thereof and a plat thereof, made in conformity with the statutes concerning the making of plats, shall have been filed in the office of the registrar, then when the registered owner makes a deed of transfer in fee of one or more of such blocks or lots the registrar may, instead of cancelling such certificate and entering a new certificate to the grantor for the part of the land not included in the transfer, enter on the original certificate and on the owner's duplicate a memorial of such deed of transfer and that the certificate is cancelled as to such blocks or lots. Every such certificate with such memorandum shall be as effectual for the purpose of showing the grantor's title to the remainder of the land not conveyed as if the old certificate had been cancelled and a new certificate of such land had been entered; and such process may be repeated so long as there is convenient space upon the original certificate and the owners duplicate certificate for making such memorandum of the sale of blocks or lots.

§ 70. Lands and any estate or interest therein registered pursuant to this Act, shall upon the death of the owner, descend to his heirs or devisees or escheat to the State according to the statutes of descent and of wills and the laws governing the same in force at the time of the death of such owner, the same as if the said land had remained unregistered, but not [no] transfer thereof shall be made by the registrar until he shall be directed so to do by an order of court entered pursuant to the following section.

§ 71. Any heir or devisee of any deceased registered owner, who may be interested in the land as heir or devisee and who may desire to have such land transferred to the person or persons entitled thereto, may file a petition for that purpose in the circuit court of the county in

which the land is registered, setting forth in brief all the facts upon which his claim of interest is based and setting forth the names and rights of all persons interested in the land; such petition shall name as parties thereto all persons having any interest in the land as heirs or devisees, and all persons so named as defendants shall be brought into court by summons or by publication of notice of the filing of said petition in the manner provided by sections 19, 20 and 21 of this Act, unless they shall in writing consent to the prayer of the petition. And if there be persons interested in the land whose names are unknown they may be made defendants by the title "All whom it may concern," and whenever unknown persons are thus made defendants, notice of the filing of such petition shall be given in the manner provided in section 20 of this Act. The court shall refer such petition to one of the examiners of titles, who shall investigate the facts therein contained and his powers in making such investigation shall be similar to those given to him under section 18 of this Act.

The report of the examiner of titles in such cases shall not be conclusive upon the court, but it may hear and consider other and further evidence.

The court shall find the rights and interests of all persons interested in the land and shall order and direct the registrar to transfer the land in accordance with the finding of the court.

§ 72. The order of the court, made in pursuance of the foregoing section, shall be conclusive upon all persons made defendants to said petition whether by name or by the description of "All whom it may concern," except that such order may be subject to review in the same manner as is provided in section 26 of this Act for the review of decrees for the initial registration of land.

§ 93. Whenever any person interested in registered land, or any estate or interest therein, or charge upon the same, shall be entitled to have any certificate of title, memorial or other entry upon the register cancelled, removed or modified, and the registrar or person whose duty it shall be to cancel, remove or modify the same, shall upon request, fail or refuse so to do, or is absent from the county, or can not be found, or for any reason such request cannot be made upon him, or where under the provisions of this Act the registrar has no power or authority to make a transfer until he shall have been directed so to do by an order of court, the circuit court of the county where the land is registered, may upon petition by the person interested, make such order as may be according to equity in the premises.

And in every proceeding in which a final decree shall have been entered directing the registration of any tract or parcel of land the court shall retain jurisdiction to enter any order which may be proper to give effect to the provisions of this section.

§ 94. Any person feeling himself aggrieved by the action of the registrar, or by his refusal to act in any matter pertaining to the first registration of land, or any estate or interest therein, after the first registration of any transfer of or charge upon the same, the filing or neglect or refusal to file any instrument, or to enter or cancel any me-

morial or notation, or to do any other thing required of him by this Act, may file his petition in the circuit court in the proceeding in which the land was registered, making the registrar and other persons, whose interest may be affected, parties defendant, and the court may proceed therein and make such order or decree as shall be according [to] equity in the premises and the purport of this Act. Nothing in this section contained shall bar such person from filing an original bill or petition in such cases in equity in any court of competent jurisdiction.

§ 108. The fees to be paid to the registrar shall be as follows:

At or before the time of referring the application for initial registration, the applicant shall advance and pay to the registrar the sum of \$15.00, which shall be in full of all services of the registrar and examiners up to the granting of the certificate of title. In proper cases the court may direct the payment of such further fees by the applicant or any defendant as it may determine. When the application includes titles derived from more than one source, an additional sum of \$5.00 for each source shall be advanced.

| | |
|---|--------|
| For granting certificate of title upon each application and registering the same..... | \$2 00 |
| For registering each transfer, including the filing of all instruments connected therewith and the issue and registration of the new certificate of title | \$3 00 |
| For entry of each memorial on the register, including the filing of all instruments and papers connected therewith and endorsements upon duplicate certificates | \$3 00 |
| For filing copy of will with letters testamentary of filing copy of letter of administration and entering memorial thereof..... | \$5 00 |
| For the cancellation of each memorial or charge..... | \$1 00 |
| For each certificate showing condition of the register..... | \$1 00 |

For any certified copy of register or any instrument of writing on file in his office, the same fees now allowed by law to recorders of deeds for like services.

Sections 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79, of the Act entitled, "An Act concerning land titles," approved and in force May 1, 1897, are hereby repealed.

APPROVED May 24, 1907.

CORONERS.

CORONER'S INQUEST.

§ 1. Amends sections 10 and 18, Act of 1874.

§ 10. As amended, provides for filling vacancies in jury at second hearing.

§ 18. As amended, testimony may be taken in shorthand — witnesses need not sign transcript.

(SENATE BILL NO. 59. APPROVED MAY 17, 1907.)

AN ACT to amend sections 10 and 18 of an Act entitled, "*An Act to revise the law in relation to coroners*," approved February 6, 1874, in force July 1, 1874, as amended as to said section 10 by an Act approved May 31, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 10 and 18 of an Act entitled, "*An Act to revise the law in relation to coroners*," approved February 6, 1874, in force July 1, 1874, as amended as to said section 10 by an Act approved May 31, 1879, in force July 1, 1879, be and the same are hereby amended so as to read as follows:

§ 10. TO TAKE CHARGE OF BODY—JURY.] Every coroner, whenever and as soon as he knows or is informed that the dead body of any person is found, or lying within his county, supposed to have come to his or her death by violence, casualty or any undue means, he shall repair to the place where the dead body is, and take charge of the same and forthwith summon a jury of six good and lawful men of the neighborhood where the body is found or lying, to assemble at the place where the body is at such time as he shall direct, and upon view of the body to inquire into the cause and manner of the death. Where, however, after said jury has viewed said body and the inquest has been continued by the coroner to a future date, and some of said jurors not exceeding three, fail to appear at said inquest because of death, moving from State, or other sufficient reasons, it shall be lawful for the coroner in such case to fill said vacancy or vacancies with good and lawful men of the same neighborhood. It shall not be necessary in such case to exhume the body in order that it may be viewed by said substituted jurors.

§ 18. TESTIMONY REDUCED TO WRITING, ETC.] The coroner shall cause the testimony of each witness who may be sworn and examined at any inquest to be written out and signed by said witness, together with his occupation and place of residence, which testimony shall be filed with said coroner in his office and carefully preserved: *Provided*, the coroner may cause the testimony of such witnesses to be taken in shorthand minutes and transcribed by a competent person, who shall certify that the transcript of the evidence so taken and transcribed by him is a true and correct copy of the original minutes taken at said inquest and is a true and correct statement of the testimony of each of the several witnesses who have testified at said inquest. Which said transcript shall be filed and carefully preserved in the office of the

coroner: *And, provided, further*, that whenever the testimony of the several witnesses at such inquest shall have been taken in shorthand minutes and transcribed as above provided for, the several witnesses shall not be required to sign such transcript or other statement of his testimony.

APPROVED May 17, 1907.

PERMISSION TO EMBALM DEAD BODY.

§ 1. Adds section 25 to Act of 1874.

§ 25. Embalming without consent of coroner—penalty.

(SENATE BILL NO. 61. APPROVED MAY 17, 1907.)

AN ACT to amend an Act entitled, "*An Act to revise the law in relation to coroners*," approved February 6, 1874, in force July 1, 1874, by adding thereto a new section to be known as section 25.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*: That an Act entitled, "*An Act to revise the law in relation to coroners*," approved February 6, 1874, in force July 1, 1874, be amended by adding thereto the following section:

§ 25. No undertaker or other person shall embalm the dead body of any person with, or inject therein, or place thereon any fluid or preparation of any kind before obtaining permission from the coroner where such body is the subject of a coroner's inquest. Any person who shall violate the provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars. (\$50.00).

APPROVED May 17, 1907.

CORPORATIONS.

G. A. R. AND UNITED SPANISH WAR VETERANS.

§ 1. Organization of post under general corporation law—title to property.

§ 4. Dissolution—disposition of property.

§ 2. Consolidations—title to property.

§ 5. Construction of Act.

§ 3. Cemetery lots—care and maintenance.

§ 6. Act 1905 repealed.

(SENATE BILL NO. 46. APPROVED MAY 17, 1907.)

AN ACT concerning the property of posts of the Grand Army of the Republic and camps of the United Spanish War Veterans, and to provide for the care and preservation thereof and to repeal a certain Act therein named.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*: Whenever any post of the Grand Army of the Republic, camp of the United Spanish War Veterans or Army of the Philippines in this State shall organize itself into a corpor-

ation or association under those provisions of an Act entitled, "An Act concerning corporations," approved April 18, 1872, and all amendments thereto relating to the formation of societies, corporations and associations, not for pecuniary profit, the title, to all property of such post or camp, real and personal, whether the same have been theretofore held in its own name, or in the name or names of any of its officers, or members or otherwise, in trust for said post or camp, shall immediately vest in, and belong to, such society, corporation or association by the name adopted by it upon such organization.

§ 2. Whenever two or more Grand Army posts, or camps of United Spanish War Veterans, or Army of the Philippines shall become consolidated, in pursuance of any general law of the Grand Army of the Republic, or the United Spanish War Veterans, or Army of the Philippines, the title to the property of any incorporated posts or camps so consolidated shall remain therein until the consolidated post or camp shall become incorporated or organized under said Act, whereupon the title to all property of the consolidated posts or camps shall immediately vest in such consolidated post or camp by such name as may be adopted by it.

§ 3. Whenever any Grand Army post or any camp of United Spanish War Veterans, or Army of the Philippines, whether incorporated or unincorporated, shall own any lot in any cemetery, for the interment of the remains of its deceased members, or their families, and shall desire to provide for the proper care of said lot, after said post or camp shall, in the ordinary course of nature, have ceased to exist, it shall be lawful for such post or camp to convey such lot, in trust for that purpose, to the city, town or village in which such post or camp is located, and for such city, town or village to accept such conveyance upon such trust, to take effect upon the final dissolution of said post or camp, by the death of its members, or otherwise. And thereupon from and after such dissolution, said city, town or village shall have full power in its own name, and it shall be its duty to enforce the observance of any contract which may have been made by said post or camp with any person or corporation, for the care of said lot, and of any monument or monuments thereon, and whenever necessary to do so, to appropriate and pay out of the general funds of said city, town or village, such sum or sums as may from time to time be required for the reasonable care and maintenance of such lot and the monuments thereon.

§ 4. Whenever any Grand Army post or any camp of United Spanish War Veterans, or Army of the Philippines, whether incorporated or unincorporated, shall cease to exist, being seized or the owner in law, or in equity, of any cemetery lot wherein are interred the remains of deceased members of the Grand Army of the Republic, or the United Spanish War Veterans, or Army of the Philippines, or of their families, and without having made other disposition of said lot, the title to such lot shall immediately vest in the city or village where such post or camp was located, or, if located outside of any incorporated town, city or village, in the county board of the county, which shall thereupon or thereafter have the same powers and duties in reference thereto, as

though the same had been conveyed to it by such post or camp, as provided in section 3 of this Act. All other property of such post or camp, not theretofore disposed of by it, shall be delivered and belong to the Grand Army Hall and Memorial Association of Illinois.

§ 5. Nothing herein contained shall conflict with or in any wise impair any law, rule or regulation of the National or Illinois State encampments of the Grand Army of the Republic, or of any National or Illinois State convention of the United Spanish War Veterans, or Army of the Philippines respecting the subject of this Act.

§ 6. An Act entitled, "An Act concerning the property of posts of the Grand Army of the Republic, and to provide for the preservation thereof," approved May 18, 1905, in force July 1, 1905, is hereby repealed.

APPROVED May 17, 1907.

POOLS, TRUSTS AND COMBINES.

Preamble.

§ 1. Amends section 7a, Act of 1891.

§ 7a. Affidavit filed with Secretary of State—failure to file after ten days' notice by State's attorney.

(HOUSE BILL NO. 47. APPROVED MAY 25, 1907.)

AN ACT to amend section 7a of an Act entitled, "An Act to provide for the punishment of persons, copartnerships or corporations forming pools, trusts and combines, and mode of procedure and rules of evidence in such cases," approved June 11, 1891, and in force July 1, 1891, as amended by Act approved June 20, 1893, and in force July 1, 1893.

WHEREAS, Numerous corporations in this State, many of them of small capital, have become liable to prosecution under the said anti-trust Act for inadvertent failure to file affidavits thereby required, and that said Act imposes severe penalties for such failure, and,

WHEREAS, The purpose of such Act is to repress trusts and not to oppress small corporations, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 7a of an Act entitled, "An Act to provide for the punishment of persons, copartnerships, or corporations forming pools, trusts and combines, and mode of procedure and rules of evidence in such cases," approved June 11, 1891, and in force July 1, 1891, as amended by Act approved June 20, 1893, and in force July 1, 1893, be amended so as to read as follows:

§ 7a. It shall be the duty of the Secretary of State, on or about the first day of September of each year, to address to the president, secretary or treasurer of each incorporated company doing business in this State, whose postoffice address is known or may be ascertained, a letter or inquiry as to whether the said corporation has all or any part of the business or interest in or with any trust, combination or association of persons or stockholders, as named in the preceding provisions

of this Act, and to require an answer, under oath, of the president, secretary or treasurer, or any director of said company, a form of affidavit shall be enclosed in said letter of inquiry, as follows:

AFFIDAVIT.

State of Illinois, }
County of..... } ss.

I,, do solemnly swear that I am the (president, secretary, treasurer or director) of the corporation known and styled, duly incorporated under the laws of on the day of, 18....., and now transacting or conducting business in the State of Illinois, and that I am duly authorized to represent said corporation in the making of this affidavit; and I do further solemnly swear that the said known and styled as aforesaid, has not since the day of (naming the day upon which this Act takes effect) created, entered into or become a member of or a party to, and was not, on the day of, nor at any day since that date, and is not now, a member of or a party to any pool, trust, agreement, combination, confederation or understanding with any other corporation, partnership, individual or any other person or association of persons, to regulate or fix the price of any article of merchandise or commodity, and that it has not entered into or become a member of or a party to any pool, trust, agreement, contract, combination or confederation to fix or limit the amount or quantity of any article, commodity or merchandise, to be manufactured, mined produced or sold in this State; and that it has not issued and does not own any trust certificates, and for any corporation, agent, officer, or employé, or for the directors or stockholders of any corporation, has not entered into and is not now in any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholder or director thereof, the purpose and effect of which said combination, contract or agreement would be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees, with the intent to limit or fix the price or lessen the production and sales of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of such article.

.....
(President, Secretary, Treasurer or Director.)

Subscribed and sworn to before me, a within
and for the county of, this day of
....., 19....

(SEAL.)

And on refusal to make oath to said inquiry or on failure to do so within thirty days from the mailing thereof, the Secretary of State shall certify that fact to the Attorney General, whose duty it shall be to direct the State's attorney of the county wherein such corporation

or corporations are located, and it is hereby made the duty of the State's attorney, under the direction of the Attorney General, at the earliest practical moment, in the name of the People of the State of Illinois, and at the relation of the Attorney General to proceed against such corporation for the recovery of a penalty of fifty dollars for each day after such refusal to make oath, or failure to make said oath within the thirty days from the mailing of said notice, or the Attorney General may, by any proper proceedings in a court of law or chancery, proceed upon such failure or refusal, to forfeit such charter of such incorporated company or association incorporated under the general laws, or by any special law of this State, and to revoke the rights of any foreign corporation located herein to do business in this State: *Provided, however*, that before any such suit or prosecution as contemplated by this Act shall be instituted against any person, persons, co-partnerships or corporations failing to file such affidavit within said thirty days from the mailing of such notice from the Secretary of State, as aforesaid, it shall be the duty of the State's attorney of the county where such person, co-partnership or corporation is located, to give such person, co-partnership or corporation ten days' notice in writing of the intention to institute such suit or proceeding: *And, provided, further*, that if such person, co-partnership or corporation shall then within such period of ten days make and file such affidavit in the office of the Secretary of State, no penalty shall attach and no suit or proceeding shall be instituted against such person, co-partnership or corporation.

APPROVED May 25, 1907.

COUNTIES.

COOK COUNTY—UNIFORM SYSTEM OF ACCOUNTS.

§ 1. Adds section 62a to Act of 1874.

§ 62a. Auditor appointed by county board—uniform system of books of accounts, reports, etc.

(HOUSE BILL NO. 517. APPROVED MAY 24, 1907.)

AN ACT to amend an Act entitled, "*An Act to revise the law in relation to counties*," approved and in force March 31st, 1874, and all Acts amendatory thereto.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, "*An Act to revise the law in relation to counties*," approved and in force March 31st, 1874, and all Acts amendatory thereto, be and the same is hereby amended by adding thereto the following to be known as section 62a:

§ 62a. That in the county of Cook there is hereby created the office of Auditor who shall be appointed by the president of the county board by and with the advice and consent of said board, and whose compensation and official bond shall be fixed by said board; and there shall be formulated, installed and regulated by and under the direction and

authority of the said county board a uniform system of books of account, forms, reports and records to be used in the offices of every county officer of Cook county which said system of books of account, forms, reports and records so formulated under the direction of the said county board and installed and regulated shall be used by said county officers for the purpose of keeping an accurate statement of monies received by them and all the financial and business transactions of their respective offices; and said Auditor shall audit or cause to be audited from day to day the receipts of the said several offices and the reports of the said offices of the business transactions of their respective offices and certify to their correctness or incorrectness to the county board. Said Auditor shall report monthly to the county board a summarized and classified statement of the official transactions of each of the said offices of each officer of Cook county for each day of said month; and the said auditor shall further make a semi-annual report to the county board containing a recapitulation of the receipts of the several offices for the preceding six months, such report to include the period covered by the semi-annual report of the several officers of the county of Cook to the county board where a semi-annual report is required by law from said officers.

That for the purpose aforesaid the said county board or any one authorized by it in addition to the power and authority vested in them by sections 51 and 52 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of the State with reference thereto," approved March 29th, 1872, in force July 1st, 1872, as amended by Act approved March 28th, 1874, in force July 1st 1874, and all Acts amendatory thereto, are hereby vested with power and authority to enter the office of any county officer of Cook county at all times and to have free and unrestricted access to all the books, papers, forms, reports, accounts and memoranda used by said officers for the transaction of the business of their respective offices for the purpose of auditing, checking or correcting the reports when reports to the county board are required from said offices by law, or compiling the records provided herein to be made to the county board, or auditing the general business of the offices. Said auditor may under the direction of the county board prescribe new forms, reports, accounts or records to be used by said officers in the transaction of the said business of their several respective offices, or change, alter or amend the same from time to time. The said auditor may with the authority of the president of the county board employ assistants, the number and compensation of whom shall be fixed by the county board.

APPROVED May 24, 1907.

COURTS.

CIRCUIT COURTS—CONCURRENT JURISDICTION WITH COUNTY COURTS.

§ 1. Circuit courts given concurrent jurisdiction with county courts in farm drainage matters.

(HOUSE BILL No. 866. APPROVED MAY 24, 1907.)

AN ACT entitled "*An Act to give circuit courts, in term time, and judges thereof in vacation, concurrent jurisdiction with the county courts, in all matters pertaining to the organization of farm drainage districts, and farm drainage and levee districts and the operation thereof.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That circuit courts in term time and the judges thereof in vacation be, and the same are hereby given concurrent jurisdiction with county courts, in all matters pertaining to the organization of farm drainage districts and farm drainage and levee districts and the operation thereof, and when proceedings under this Act are pending in the circuit court such court shall have power either in term time or vacation, to make all necessary orders affecting the district or its officers as fully as is now vested in county courts, and the clerk of the circuit court shall, when the proceeding is pending in the circuit court, do and perform in the premises each and all duty or duties required by the clerk of the county court in drainage and levee matters when such proceedings are pending therein, and all reports, complaints, oaths, affirmations, confirmations and returns in such matters required to be made to the county court shall be made in the circuit court when the proceeding is pending therein.

APPROVED May 24, 1907.

CIRCUIT COURTS—TERMS, FIRST CIRCUIT.

§ 1. Williamson county given an additional term.

§ 2. Time of holding.

§ 3. Pending suits, etc.

§ 4. No grand jury for July term unless ordered by court.

§ 5. Emergency.

(SENATE BILL No. 343. APPROVED APRIL 19, 1907.)

AN ACT to create one additional term of the circuit court in the county of Williamson, and to fix the time of holding the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby created one additional term of the circuit court in the county of Williamson.

§ 2. That said additional term of said court shall be held on the second Monday in the month of July of each year.

§ 3. That all suits, writs and processes of every kind and nature, either civil or criminal, heretofore commenced, or pending in the said circuit court, or that may be pending therein at the time this Act

takes effect, shall be cognizable and triable at the first term after this Act takes effect.

§ 4. *Provided*, that no grand jury shall be summoned at the July term hereby created, unless so ordered by the court.

§ 5. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage.

APPROVED April 19, 1907.

CIRCUIT COURTS—TERMS, SECOND CIRCUIT.

§ 1. Franklin county given two additional terms.

§ 2. Time of holding.

§ 3. Pending proceedings cognizable at first term.

§ 4. No grand or traverse jury for either term—exceptions.

§ 5. Emergency.

(HOUSE BILL NO. 24. APPROVED JANUARY 31, 1907.)

AN ACT to create two additional terms of the circuit court in the county of Franklin, and to fix the time of holding the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and are hereby created two additional terms of the circuit court in the county of Franklin.

§ 2. That said additional terms of said court shall be held on the first Monday in the month of February and on the second Monday in the month of September of each year.

§ 3. That all suits, writs and processes of every kind and nature, either civil or criminal, heretofore commenced, or pending in the said circuit court, or that may be pending therein at the time this Act takes effect, shall be cognizable and triable at the first term after this Act takes effect.

§ 4. *Provided*, that no grand jury, or traverse jury, shall be summoned at either the February or September terms hereby created, unless so ordered by the court.

§ 5. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage.

APPROVED January 31, 1907.

CIRCUIT COURTS—TERMS, FIFTH CIRCUIT.

§ 1. Amend section 6, Act of 1879.

§ 6. Clark county given a June term—no grand or petit jury for said term unless ordered by judge.

(HOUSE BILL NO. 641. APPROVED APRIL 22, 1907.)

AN ACT to amend section six (6) of an Act entitled "*An Act to amend an Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook,*" approved May 24, 1879, in force July 1, 1879, as amended by Act approved June 11, 1897, in force July 1, 1897, as amended by Act approved May 14, 1903, in force July 1, 1903.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six (6) of an Act entitled, "An Act to amend an Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, as amended by Act approved June 11, 1897, in force July 1, 1897, as amended by Act approved May 14, 1903, in force July 1, 1903, be, and the same is hereby amended to read as follows:

§ 6. In the county of Vermilion on the third Monday of January, the third Monday of May, the first Monday of October; in the county of Edgar on the second Monday of February, the first Monday of June and second Monday in November; in the county of Clark on the first Monday in March, the first Monday in June, and the first Monday in September; in the county of Cumberland on the first Monday of June and fourth Monday of November; in the county of Coles on the third Monday of April, the second Monday of October and second Monday of January: *Provided*, no grand jury shall be summoned for the January term of Coles county unless ordered by the court: *Provided, further*, that no grand jury or petit jury shall be summoned for the February term of Edgar county, unless ordered by the judge assigned to hold such term of court: *And, provided, further*, that no grand or petit jury shall be summoned for the June term of Clark county unless ordered by the judge assigned to hold such term of court, in writing, at least thirty days prior to the first day of such June term of court.

APPROVED April 22, 1907.

CITY COURTS—ADDITIONAL JUDGES.

§ 1. Amends sections 21 and 23, Act of 1901.

§ 21. How established and abolished — additional judges.

§ 23. Salary of judges—classification.

(SENATE BILL NO. 312. APPROVED MAY 8, 1907.)

AN ACT to amend section 21 and section 23 of an Act entitled, "An Act in relation to courts of record in cities," approved May 10, 1901, in force July 1, 1901.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 21 and section 23 of an Act entitled, "An Act in relation to courts of record in cities," approved May 10, 1901, in force July 1, 1901, be amended so as to read as follows:

§ 21. COURTS—HOW ESTABLISHED AND ABOLISHED.] A city court consisting of one or more judges, not exceeding five, and not exceeding one judge for every fifty thousand inhabitants, or fraction of fifty thousand and not less than three thousand, may be organized and established under this Act, in any city which contains at least three thousand in-

habitants, whenever the common or city council shall adopt an ordinance or resolution to submit the question whether such court shall be established consisting of one or more judges, not exceeding five, as may be specified in such ordinance or resolution, to the qualified voters of such city and two-thirds of the votes cast at such election shall be in favor of the establishment of such court. Where such court is established with more than one judge, each judge may hold a separate branch thereof at the same time, and when holding such separate branch, each judge may exercise all the powers vested in such court. Such election shall be held and conducted, the returns thereof made and canvassed, and the result declared in the same manner as other city elections. To discontinue and disestablish any such court, precisely the same mode of procedure shall be requisite and necessary, and be resorted to, as for the organization of such court. Save that the discontinuance and disestablishment shall not take effect until at the expiration of the term of office of the then judge of said court. In the event of the discontinuance and disestablishment of any such court the clerk thereof shall transfer and deliver to the clerk of the circuit court of the county in which such city court is situated, all records, judgments and processes in possession of himself or any other officer of said court, and the circuit court shall thereupon acquire and be vested with jurisdiction in the matters to which said records, judgments, or process relate and may be dealt with as original records of such circuit court: *Provided*, it shall be lawful for the city council in any city where a city court has been established under this Act, and there is no judge or clerk of such court, residing within such city, and such court has ceased to do business for two years or more, to pass an ordinance or resolution abolishing such court, and authorize the city clerk of such city to transfer and deliver the records, judgments, and processes of such court to the circuit court of the county in which such court is situated in like manner and with like effect, as if such had been transferred by the clerk of such city court: *And, provided, further*, that in any city where a city court has been established with one judge, under this or any prior Act, that now has, or may hereafter have, a population exceeding fifty-three thousand (53,000) inhabitants, as ascertained by a census taken by authority of the city council, the city council may by ordinance or resolution provide for the election of an additional judge of such city court, and fix the time when such election shall be held: *Provided*, there shall not be more than two judges for said city court until the population of said city shall equal one hundred and three thousand inhabitants.

§ 23. The judges of said court shall be allowed and receive as an annual salary, in lieu of all other fees, perquisites, or benefits whatsoever, in cities having a population not exceeding five thousand (5,000) inhabitants, the sum of five hundred dollars (\$500.00), to be paid out of the city treasury; and in cities having more than five thousand (5,000) and less than eight thousand (8,000) inhabitants, the sum of fifteen hundred dollars (\$1,500); and in cities having more than eight thousand (8,000) and less than twenty-five thousand (25,000) inhabitants, the sum of two thousand dollars (\$2,000); and in cities having

more than twenty-five thousand (25,000) inhabitants, the sum of three thousand dollars (\$3,000), to be paid out of the city treasury: *Provided*, that whenever an additional judge is elected in any city where a city court has been established under this or any prior Act, said additional judge shall be allowed and receive as an annual salary, the sum of three thousand dollars (\$3,000), to be paid out of the city treasury.

APPROVED May 8, 1907.

COUNTY COURTS—ADAMS COUNTY.

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| § 1. Amends section 9, Act 1874. | § 2. Repeal. |
| § 9. Terms in Adams county. | § 3. Emergency. |

(HOUSE BILL No. 258. APPROVED MARCH 13, 1907.)

AN ACT to amend section nine of an Act entitled, "*An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named,*" approved March 26, 1874, and in force July 1, 1874, and as amended by an Act approved May 13, 1879, and in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section nine (9) of an Act entitled, "*An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named,*" approved March 26, 1874, in force July 1, 1874, and as amended by an Act approved May 13, 1879, in force July 1, 1879, be and the same is hereby amended to read as follows, to-wit:

§ 9. Adams, first Monday in January, May and August.

§ 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

§ 3. WHEREAS, An emergency exists, therefore it is enacted that this Act be in force and effect from and after its passage.

APPROVED March 13, 1907.

COUNTY COURTS—PUTNAM COUNTY.

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| § 1. Amends section 86, Act of 1874. | § 2. Repeal. |
| § 86. Terms in Putnam county. | |

(HOUSE BILL No. 694. APPROVED MAY 17, 1907.)

AN ACT to amend section 86 of an Act entitled, "*An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named,*" approved March 26, 1874, in force July 1, 1874, as amended by an Act approved April 13, 1875, in force July 1, 1875.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 86 of an Act entitled, "*An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal*

an Act therein named," approved March 26, 1874, in force July 1, 1874, and as amended by an Act approved April 13, 1875, in force July 1, 1875, be, and the same is hereby amended so as to read as follows:

§ 86. Putnam, on the third Monday of January and July.

§ 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

APPROVED May 17, 1907.

MUNICIPAL COURT OF CHICAGO.

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| <p>§ 1. Amends certain sections and adds five additional sections to Act of 1905.</p> <p>§ 1. Style of court prescribed.</p> <p>§ 2. Jurisdiction of court—all cases classified.</p> <p>§ 4. Court held in five districts—boundaries of districts prescribed—additions to number and change of boundaries provided for.</p> <p>§ 8. Number of judges—duties of presiding judge—duties of chief justice—duties of associate judge—vacations—branch court, first district—monthly meetings—salaries fixed—how paid.</p> <p>§ 9. Election of judges—terms of office—vacancies.</p> <p>§ 14. Clerk of court—election—duties—salary—vacancy.</p> <p>§ 15. Deputy clerks—appointment—salary—duties—bond.</p> <p>§ 16. Bailiff—election—duties—salary—how paid.</p> <p>§ 17. Deputy bailiffs—appointment—duties—oath—bond—salary—removal.</p> <p>§ 19. Practice to follow that of circuit courts—exceptions—appeals and writs of error.</p> <p>§ 20. Additional rules of practice—how adopted—approval of supreme court.</p> <p>§ 21. No stated terms—court always open—vacation of judgments and decrees.</p> <p>§ 22. Review of final orders in cases of first, second and third classes—practice.</p> <p>§ 23. Review in cases of fourth and fifth classes—writs of error—how prosecuted.</p> | <p>§ 24. Cases transferred from other courts—duty of State's attorney in criminal cases—practice.</p> <p>§ 27. Criminal cases—how prosecuted by information—complaint—continuance.</p> <p>§ 28. Cases of first class—how commenced and prosecuted—exceptions.</p> <p>§ 29. Cases of fourth class—how brought and prosecuted.</p> <p>§ 30. Cases tried without jury.</p> <p>§ 31. Trial by jury—challenge of jurors—examination of jurors.</p> <p>§ 37. Charges to jury may be oral or written.</p> <p>§ 38. Bill of exceptions—failure to take formal exception—original bill in lieu of certified copy.</p> <p>§ 39. Change of venue in certain cases regulated.</p> <p>§ 40. Practice regulated in certain cases—præcipe and bill of particulars.</p> <p>§ 41. Summons to defendant—form, etc.</p> <p>§ 42. Summons—how served.</p> <p>§ 43. Return of summons—default—call of cases.</p> <p>§ 44. Certain blank forms to be furnished by clerk of court.</p> <p>§ 45. Fixing time of trial.</p> <p>§ 46. Amendments.</p> <p>§ 47. Postponements.</p> <p>§ 48. Practice in attachment, etc.—exceptions.</p> <p>§ 48a. Practice in trial of right of property.</p> <p>§ 49. Practice in cases of fifth class—exceptions.</p> |
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| <p>§ 50. Arrest—bail—bail bond—deposit of money in lieu of bail.</p> <p>§ 50a. Practice in bastardy cases.</p> <p>§ 50b. Proceedings to prevent commission of crime—exceptions.</p> <p>§ 50c. Practice in criminal cases—exceptions.</p> <p>§ 50d. Proceedings pertaining to search warrants—exceptions.</p> <p>§ 51. Presumptions of jurisdiction.</p> <p>§ 52. Rules of procedure in cases unprovided for by Act.</p> <p>§ 54. Judicial notice of city, State and Federal laws.</p> <p>§ 56. Costs in civil cases.</p> | <p>§ 57. Costs in criminal and quasi criminal cases.</p> <p>§ 58. Costs in city cases—clerk's and bailiff's fees.</p> <p>§ 59. Further fees—accounts.</p> <p>§ 60. Justices and constables—offices abolished.</p> <p>§ 61. Justices' dockets, how disposed of—pending cases.</p> <p>§ 63. Orders, judgments and decrees—force and effect in certain cases.</p> <p>§ 64. Other judgments.</p> |
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§ 2. Adoption of Act.

(SENATE BILL NO. 321. APPROVED JUNE 3, 1907.)

AN ACT to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1), two (2), four (4), eight (8), nine (9), fourteen (14), fifteen (15), sixteen (16), seventeen (17), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-five (35), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), forty-one (41), forty-two (42), forty-three (43), forty-four (44), forty-five (45), forty-six (46), forty-seven (47), forty-eight (48), forty-nine (49), fifty (50), fifty-one (51), fifty-two (52), fifty-four (54), fifty-six (56), fifty-seven (57), fifty-eight (58), fifty-nine (59), sixty (60), sixty-one (61), sixty-three (63), and sixty-four (64) of the Act entitled, "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, be and the same are hereby amended, and that said Act be and it is hereby further amended by adding thereto five additional sections to be known as sections forty-eight A (48A), fifty A (50A), fifty B (50B), fifty C (50C), and fifty D (50D), which said sections as amended and said additional sections shall read as follows:

§ 1 That there shall be established in and for the city of Chicago a municipal court which shall be a court of record and shall be styled "The Municipal Court of Chicago," hereinafter designated and referred to as the municipal court, and the jurisdiction of which shall be exercised in the manner hereinafter prescribed by branch courts, each of which shall exercise all the powers in this Act declared to be vested in the municipal court.

§ 2. That said municipal court shall have jurisdiction in the following cases:

First. Cases to be designated and hereinafter referred to as cases of the first class, which shall include (a) all actions on contracts, express or implied, when the amount claimed by the plaintiff, exclusive of costs, exceeds one thousand dollars (\$1,000); (b) all actions for the recovery of personal property when the value of the property sought to be recovered as claimed by the plaintiff exceeds one thousand dollars (\$1,000); and (c) all actions for the recovery of damages for the conversion of personal property, and actions for the recovery of damages for injuries to personal property, when the amount of damages sought to be recovered, as claimed by the plaintiff, exclusive of costs, exceeds one thousand dollars (\$1,000).

Second. Cases to be designated and hereinafter referred to as cases of the second class, which shall include all suits of every kind and nature, whether civil or criminal, or whether at law or in equity, which may be transferred to it, by a change of venue, or otherwise, by the circuit court of Cook county, the superior court of Cook county, or the criminal court of Cook county, for trial and disposition.

Third. Cases to be designated and hereinafter referred to as cases of the third class, which shall include all criminal cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary, and all other criminal cases which the laws in force from time to time may permit to be prosecuted otherwise than on indictment by a grand jury.

Fourth. Cases to be designated and hereinafter referred to as cases of the fourth class, which shall include (a) all civil actions, quasi criminal actions excepted, for the recovery of money only when the amount claimed by the plaintiff, exclusive of costs, does not exceed one thousand dollars (\$1,000), the amount in any action on a bond to be determined by the amount actually sought to be recovered and not by the penalty of the bond; (b) all actions for the recovery of personal property when the value of the property sought to be recovered does not exceed one thousand dollars (\$1,000); (c) all actions of forcible detainer, (d) all proceedings for the trial of the right of property, and (e) all actions and proceedings of which justices of the peace are now given jurisdiction by law and which are not otherwise provided for in this Act in which class of actions and proceedings the municipal court shall have jurisdiction where the amount sought to be recovered does not exceed one thousand dollars (\$1,000). In any action of the fourth class for the recovery of money only judgment may be rendered for over one thousand dollars (\$1,000), where the excess over one thousand dollars (\$1,000) shall consist of interest or damages or costs accrued after the commencement of such action.

Fifth. Cases to be designated and hereinafter referred to as cases of the fifth class, which shall include all quasi criminal actions, excepting bastardy cases.

Sixth. Cases to be designated and hereinafter referred to as cases of the sixth class, which shall include (a) all proceedings for the prevention of the commission of crimes; (b) all proceedings for the arrest, examination, commitment and bail of persons charged with criminal

offenses; (c) all proceedings pertaining to searches and seizures of personal property by means of search warrants, and (d) all bastardy cases.

§ 4. That for the purposes of said municipal court the city of Chicago shall be divided into districts, which, until otherwise provided, shall be five in number and their territorial limits shall be as follows:

Of the First district the territorial limits shall be the territory bounded on the east by Lake Michigan, on the north by the city limits, on the west by the center line of Western avenue from the city limits on the north to the center line of Fifty-fifth street, thence on the south by the center line of Fifty-fifth street to the center line of State street, thence on the west by the center line of State street to the center line of Sixty-third street, thence on the south by the center line of Sixty-third street to the center line of Cottage Grove avenue, thence on the west by the center line of Cottage Grove avenue to the center line of Seventy-first street, and thence on the south by the center line of Seventy-first street to Lake Michigan, and such territory shall be known as the First district.

Of the Second district the territorial limits shall be the territory bounded on the south by the city limits, on the east by the city limits and Lake Michigan, on the north by the center line of Seventy-first street, and on the west by the center line of Cottage Grove avenue, and such territory shall be known as the Second district.

Of the Third district the territorial limits shall be the territory bounded on the west and south by the city limits, on the east by the center line of Cottage Grove avenue from the city limits on the south to the center line of Sixty-third street, thence on the north by the center line of Sixty-third street to the center line of State street, thence on the east by the center line of State street to the center line of Fifty-fifth street, thence on the north by the center line of Fifty-fifth street to the city limits on the west, and such territory shall be known as the Third district.

Of the Fourth district the territorial limits shall be the territory bounded on the south by the center line of Fifty-fifth street, on the east by the center line of Western avenue, on the north by the center line of Lake street, and on the west by the city limits, and such territory shall be known as the Fourth district.

Of the Fifth district the territorial limits shall be the territory bounded on the south by the center line of Lake street, on the east by the center line of Western avenue, on the north and west by the city limits, and such territory shall be known as the Fifth district.

The number and boundaries of the districts may be changed, from time to time, by orders signed by a majority of the judges of the municipal court, and spread upon the records thereof, which orders shall be published for three successive weeks, once in each week, in some newspaper of general circulation in the city of Chicago, and which shall take effect respectively within thirty days after the last publication thereof: *Provided, however*, no such change in the number or boundaries of districts shall become effective unless the order therefor shall have been

approved by the city council of the city of Chicago. As many branch courts shall be held in each district as may be determined by the chief justice of said municipal court to be necessary for the prompt and proper disposition of the business of said court: *Provided, however*, that at least one branch court shall be held in each district. Such branch courts may be given such designation by numbers or otherwise as may be determined by the chief justice.

§ 8. That said municipal court shall consist of twenty-eight (28) judges, one of whom shall be chief justice and the remaining twenty-seven (27) of whom shall be associate judges. Each branch court shall be presided over by a single judge of the municipal court. The chief justice, in addition to the exercise of all the other powers of a judge of said court, shall have the general superintendence of the business of said court; he shall preside at all meetings of the judges, and he shall assign the associate judges to duty in the branch courts, from time to time, as he may deem necessary for the prompt disposition of the business thereof, and it shall be the duty of each associate judge to attend and serve at any branch court to which he may be so assigned, but the chief justice shall only assign such number of judges to the trial and disposition of cases of the first class and cases of the second class mentioned in section two (2) of this Act, from time to time, as may not be needed for the prompt disposition of the other business of the court. The chief justice shall also superintend the preparation of the calendars of cases for trial in said court and shall make such classification and distribution of the same upon different calendars as he shall deem proper and expedient. Each associate judge shall, at the commencement of each month, make to the chief justice, under his official oath, a report in writing of the duties performed by him during the preceding month, which report shall specify the number of days' attendance in court of such judge during such month, and the branch courts upon which he has attended, and the number of hours per day of such attendance, for which the chief justice shall cause suitable blanks to be prepared and furnished to the associate judges. Each judge shall be entitled to vacations, which shall not exceed thirty-six days in all in one year, and which shall be taken at such times as may be determined by the chief justice. The chief justice must give his attention faithfully to the discharge of the duties especially pertaining to his office and to the performance of such additional judicial work as he may be able to perform. Each associate judge must perform his share of the labors and duties appertaining to the office. At least one associate judge must be in attendance in one branch court in each district three hours of each day, except Sunday, a public holiday, or a day upon which the inhabitants of the city of Chicago generally refrain from business, and each associate judge, while in the court room or in chambers, and not actually engaged in the performance of other official duties, must act upon any application for his official action properly made to him. The chief justice may appoint such number of assistants, not exceeding four, as he may deem necessary, whose salaries shall be fixed by the majority of the judges: *Provided*, that the salaries of two of said assistants shall

not exceed four thousand dollars (\$4,000) each per annum, and that the salaries of the remaining two of said assistants shall not exceed eighteen hundred dollars (\$1,800) each per annum. Said assistants shall have power to administer oaths and shall perform such duties as may be required of them by the chief justice, but shall not exercise any judicial powers. It shall be the duty of the chief justice and the associate judges to meet together at least once in each month, excepting the month of August, in each year, at such hour and place as may be designated by the chief justice, and at such other times as may be required by the chief justice, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At such meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the said court, and to the officers thereof, and shall take such steps as they may deem necessary or proper with respect thereto, and they shall have power and it shall be their duty to adopt or cause to be adopted all such rules and regulations for the proper administration of justice in said court as to them may seem expedient. The salaries of the chief justice and associate judges shall be fixed by the city council: *Provided, however,* that the salary of the chief justice shall not be less than seven thousand five hundred dollars (\$7,500) per annum and that the salary of an associate judge shall not be less than six thousand dollars (\$6,000) per annum, and that the salary of no judge shall exceed the salary and compensation fixed, from time to time, by law for a judge of the circuit court of Cook county, and that the salary of no judge shall be increased or diminished during the term for which he shall have been elected: *And, provided, further,* that until the fixing of the salaries by the city council the salary of the chief justice shall be seven thousand five hundred dollars (\$7,500) per annum and the salary of an associate judge shall be six thousand dollars (\$6,000) per annum. Such salaries shall be payable in monthly installments out of the city treasury.

§ 9. That the chief justice and the associate judges of the municipal court provided for in the preceding section shall be elected on the first Tuesday after the first Monday in November, A. D. 1906; that the chief justice shall hold his office for the term of six (6) years and until his successor shall be elected and qualified; that of the said associate judges so to be elected, nine (9) shall be elected for the term of two (2) years, nine (9) for the term of four (4) years, and nine (9) for the term of six (6) years and until their respective successors shall be elected and qualified, and on the first Tuesday after the first Monday of November, A. D. 1908, and on the first Tuesday after the first Monday of November every sixth year thereafter, and on the first Tuesday after the first Monday of November, A. D. 1910, and on the first Tuesday after the first Monday of November every sixth year thereafter, there shall be elected nine (9) associate judges of said municipal court and on the first Tuesday after the first Monday of November, A. D. 1912, and every sixth year thereafter there shall be elected a chief justice and nine (9) associate judges of said municipal court as successors in office of the chief justice and associate judges of the municipal court by this Act

required to be elected, each of whom shall hold his office for the term of six (6) years and until his successor shall be elected and qualified. The judges so required to be elected shall enter upon the discharge of their duties on the first Monday of December following their election. Vacancies in the office of chief justice or associate judge of the municipal court shall be filled by election at the regular municipal, judicial or other general election which shall occur next after a period of sixty (60) days from the time such vacancies respectively occur, but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment by the Governor. Whenever a vacancy occurs in the office of chief justice, or whenever the chief justice shall be absent from the city of Chicago, or incapacitated from acting, the associate judges shall select one of their number to act as chief justice until such vacancy shall be filled by election or appointment, as above provided for, or until the return of the chief justice, or until his incapacity ceases.

§ 14. That there shall be a clerk of said municipal court, whose term of office shall be six years and until his successor shall be elected and qualified and who shall be elected on the first Tuesday after the first Monday of November, A. D. 1906, and every six years thereafter. He shall perform, with respect to said municipal court, the duties usually performed by clerks of courts of record. He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district and each office shall be kept open for the transaction of business from half-past eight o'clock a. m. to half-past five o'clock p. m. of each working day during the year, excepting that on Saturdays, after the hour of one o'clock p. m., the clerk may close such of his offices as he may deem proper at one o'clock p. m.: *Provided, however,* that for the purpose of receiving and filing papers and issuing writs and the performance of other work in criminal and quasi criminal cases, the chief justice may require the attendance, during additional hours of each day, of such number of deputy clerks as may be necessary for that purpose. The clerk shall maintain, in his principal office in the First district, a bureau of information to which any attorney at law or any party to any suit in said court may apply, either in person or by telephone, or otherwise, for any information respecting the proceedings in such suit, or the papers filed therein, which such attorney or party may deem necessary and by means of which bureau such attorney or party may obtain such information without charge being made therefor: *Provided, however,* that the clerk shall not be personally responsible for any mistake made by any deputy clerk with respect to such information. Until otherwise provided by the rules which may be adopted under the provisions of this Act the powers, duties and liabilities, the oath of office and the bond and conditions thereof, of such clerk shall be the same, as near as may be, as those prescribed by law for clerks of courts by the Act entitled, "An Act to revise the law in relation to clerks of courts," approved March 25, 1874, and in force July 1, 1874. He shall be commissioned by the Governor. When a vacancy occurs in the office of clerk and the unexpired term exceeds one year, the judges shall appoint a clerk *pro tempore*, who shall qualify

by giving bond and taking the oath as required by law of the clerk, and thereupon such appointee shall perform all the duties required of a duly elected clerk of said court, and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. Whenever any such vacancy occurs, the chief justice shall forthwith notify the Governor thereof, who, upon receiving such notice, shall, as soon thereafter as may be practicable, issue a writ of election, as in other cases. When a vacancy occurs in the office of clerk and the unexpired term is less than one year the judges shall appoint a clerk *pro tempore*, who shall qualify by giving bond and taking the oath as required by law of the clerk, and thereupon such appointee shall perform all the duties required of a duly elected clerk of said court and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. The salary of the clerk shall be fixed by the city council: *Provided, however*, that such salary shall not be less than five thousand dollars (\$5,000) per annum and that it shall not exceed the salary which may be fixed for an associate judge of the municipal court and that it shall be neither increased nor diminished during the term for which the clerk shall have been elected: *And, provided further*, that until the fixing of the salary by the city council the salary of the clerk shall be five thousand dollars (\$5,000) per annum. Such salary shall be payable in monthly installments out of the city treasury. All expenses incurred by the clerk for legal services rendered to him in matters relating to his official duties and all expenses incident to proceedings in court brought by or against him in his official capacity shall be paid out of the city treasury.

§ 15. That said clerk shall appoint such number of deputies as may be determined, from time to time, by a majority of the judges of the municipal court by orders signed by them and spread upon the records of said court. The salaries of deputy clerks shall be fixed, from time to time, by orders signed by a majority of the judges of the municipal court and spread upon the records of the court, and shall be payable out of the city treasury in monthly installments: *Provided, however*, that the salary of the chief deputy clerk shall be four thousand dollars (\$4,000) per annum and that the salaries of no more than four additional deputy clerks other than those who may be employed as shorthand reporters shall exceed eighteen hundred dollars (\$1,800) per annum. Such number of deputy clerks so appointed as the judges may deem necessary shall be competent shorthand reporters, capable of correctly taking down stenographically and transcribing the proceedings of courts, and shall perform such duties with respect to attending upon and taking down stenographic reports of the proceedings of said court as may be required by the judges, and for making and furnishing transcripts of their stenographic reports aforesaid said deputy clerks shall be allowed to make such reasonable charge, not exceeding fifteen cents per hundred words, to the parties to whom such transcripts are furnished, as may be determined by the judges, and the judges may allow said deputy clerks to retain, as additional compensation for their services, such proportion as the judges may deem reasonable of the charges

so collected, the balance of such charges to be accounted for by such deputy clerks in the same manner as costs collected by them. Such deputy clerks shall take the same oath or affirmation required of the clerk of said municipal court and shall give bonds to be approved by the chief justice of said court, conditioned, as near as may be, like the bond required of the clerk. Any deputy clerk shall be subject to removal at any time by an order signed by a majority of the judges of the municipal court and spread upon the records of said court. Any deputy clerk may likewise be removed by the clerk: *Provided, however,* that any deputy clerk so removed may be restored to his position as such deputy clerk by an order signed by a majority of the judges of the municipal court and spread upon the records of the court. The number of deputy clerks may be reduced at any time by an order signed by a majority of the judges of said municipal court and spread upon the records of said court.

§ 16. That there shall be a bailiff of said municipal court whose term of office shall be six (6) years and until his successor shall be elected and qualified and who shall be elected on the first Tuesday after the first Monday of November, A. D. 1906, and every six years thereafter. He shall perform with respect to said municipal court the duties usually performed by sheriffs in respect to attendance upon, and service and execution of the process, and obedience of the lawful orders and directions of a circuit court. He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district and each office shall be kept open for the transaction of business from half-past eight o'clock a. m. to half-past five o'clock p. m. of each working day during the year, excepting that on Saturdays, after the hour of one o'clock p. m., the bailiff may close such of his offices as he may deem proper at one o'clock p. m. Until otherwise provided by the rules which may be adopted under the provisions of this Act, the powers, duties and liabilities, the oath of office, and the bonds and conditions thereof, of such bailiff shall be the same, as near as may be, as those prescribed by law for sheriffs with respect to attendance upon, and service and execution of the process, and obedience of the lawful orders and directions, of a circuit court. He shall be commissioned by the Governor. When a vacancy occurs in the office of bailiff and the unexpired term exceeds one year, the judges shall appoint a bailiff *pro tempore*, who shall qualify by giving bond and taking the oath as required by law of the bailiff and thereupon such appointee shall perform all the duties required of a duly elected bailiff of said court, and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. Whenever any such vacancy occurs, the chief justice shall forthwith notify the Governor thereof, who, upon receiving such notice, shall, as soon thereafter as may be practicable, issue a writ of election as in other cases. When a vacancy occurs in the office of bailiff and the unexpired term is less than one year the judges shall appoint a bailiff *pro tempore*, who shall qualify by giving bond and taking the oath required by law of the bailiff and thereupon such appointee shall perform all the

duties required of a duly elected bailiff of said court and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. It shall be unnecessary to serve any process of summons upon the bailiff in any suit against him commenced in the municipal court. In lieu of the service of such process the clerk shall notify the bailiff of the commencement of such suit and the bailiff shall thereupon forthwith enter his appearance therein, such entry of appearance to be made without any advance payment of costs. The salary of the bailiff shall be fixed by the city council: *Provided, however,* that such salary shall not be less than five thousand dollars (\$5,000) per annum and that it shall not exceed the salary which may be fixed for an associate judge of the municipal court and that it shall neither be increased nor diminished during the term for which the bailiff shall have been elected: *And, provided, further,* that until the fixing of the salary by the city council the salary of the bailiff shall be five thousand dollars (\$5,000) per annum. Such salary shall be payable in monthly installments out of the city treasury. The bailiff may employ an attorney at a salary of not exceeding three thousand dollars (\$3,000) per annum, which salary together with all expenses incurred by the bailiff in prosecuting or defending suits brought by or against him in his official capacity shall be paid out of the city treasury.

§ 17. That said bailiff shall appoint such number of deputies as may be determined, from time to time, by a majority of the judges of the municipal court by orders signed by them and spread upon the records of said court. The salaries of deputy bailiffs shall be fixed, from time to time, by orders signed by a majority of the judges of the municipal court and spread upon the records of the court and shall be payable out of the city treasury in monthly installments: *Provided, however,* that the salary of the chief deputy bailiff shall be four thousand dollars (\$4,000) per annum, and that the salary of the assistant chief deputy bailiff shall be two thousand five hundred dollars (\$2,500) per annum and that the salary of no other deputy bailiff shall exceed fifteen hundred dollars (\$1,500) per annum. Such deputy bailiffs shall take the same oath or affirmation required of the bailiff of said municipal court and shall give bonds to be approved by the chief justice of said court conditioned, as near as may be, like the bond required of the bailiff. The bailiff and deputy bailiffs of the municipal court shall be *ex officio* police officers of the city of Chicago. Any deputy bailiff shall be subject to removal at any time by an order signed by a majority of the judges of the municipal court and spread upon the records of said court. Any deputy bailiff may likewise be removed by the bailiff: *Provided, however,* that any deputy bailiff so removed may be restored to his position by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. The number of deputy bailiffs may be reduced at any time by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. Every police officer of the city of Chicago shall be *ex officio* a deputy bailiff of the municipal court, and shall perform, from time to time, such duties in respect to cases within the jurisdiction

of said court as may be required of him by said court or any judge thereof. The bailiff may appoint a special deputy to serve any summons issued out of the municipal court, by indorsement thereon substantially as follows: "I hereby appoint..... my special deputy to serve the within writ," which shall be dated and signed by the bailiff. Such special deputy shall make return of the time and manner of service of such writ, under his oath, and for making a false return he shall be guilty of perjury and be punished accordingly.

§ 19. That until otherwise determined in the manner hereinafter provided, and except as by this Act is otherwise prescribed, the practice in the municipal court shall be the same, as near as may be, as that which may from time to time be prescribed by law for similar suits or proceedings in circuit courts, excepting that in cases of the fourth class and cases of the fifth class mentioned in section two (2) of this Act the issues shall be determined without other forms of written pleadings than those hereinafter expressly prescribed or provided for. Said municipal court shall be the sole judge of the applicability to the proceedings of said court of the rules of practice prescribed by law for similar cases in the circuit courts and its decisions in respect thereto shall not be subject to review upon appeal or writ of error: *Provided, however*, that upon appeal or writ of error the Supreme Court or the Appellate Court, as the case may be, may grant relief from any such decision in any case where, in the opinion of the Supreme Court or Appellate Court, such relief is necessary to prevent a failure of justice.

§ 20. That the judges of said municipal court shall have power to adopt, in addition to or in lieu of the provisions herein contained prescribing the practice in said municipal court or of any portion or portions of said provisions, such rules regulating the practice in said court as they may deem necessary or expedient for the proper administration of justice therein: *Provided, however*, that no such rule or rules so adopted shall be inconsistent with those expressly provided for by this Act. The adoption of said rules shall be accomplished by an order signed by a majority of said judges, which order, when made, shall be forthwith spread upon the records of the municipal court and shall be printed in pamphlet form at the expense of the city. The Supreme Court shall have power, in its discretion, to substitute for the rule or rules so adopted by said judges of said municipal court or for any portion thereof, such other rules as the Supreme Court may deem necessary and may, in its discretion, of its own motion or otherwise, make any order respecting the rules of said municipal court which it may deem proper. The Supreme Court and the Appellate Court, in cases brought to them from the municipal court, by appeal or writ of error, shall take judicial notice of the rules of practice from time to time in force in said municipal court.

§ 21. That there shall be no stated terms of the municipal court, but said court shall always be open for the transaction of business. Every judgment, order or decree of said court final in its nature shall

be subject to be vacated, set aside or modified in the same manner and to the same extent as a judgment, order or decree of a circuit court during the term at which the same was rendered in such circuit court: *Provided*, a motion to vacate, set aside or modify the same be entered in said municipal court within thirty days after the entry of such judgment, order or decree. If no motion to vacate, set aside or modify any such judgment, order or decree shall be entered within thirty days after the entry of such judgment, order or decree, the same shall not be vacated, set aside or modified excepting upon appeal or writ of error. or by a bill in equity, or by a petition to said municipal court setting forth grounds for vacating, setting aside or modifying the same, which would be sufficient to cause the same to be vacated, set aside or modified by a bill in equity: *Provided, however*, that all errors in fact in the proceedings in such case, which might have been corrected at common law by the writ of error *coram nobis* may be corrected by motion, or the judgment may be set aside, in the manner provided by law for similar cases in the circuit court.

§ 22. That the final orders, judgments and decrees of the municipal court in cases of the first class, cases of the second class and cases of the third class mentioned in section two (2) of this Act, and in bastardy cases, may be reviewed upon error or appeal, by the Supreme Court in all criminal cases above the grade of misdemeanors, cases in which a franchise or freehold or the validity of a statute or construction of the constitution is involved, and in all cases relating to the revenue or in which the State is interested as a party or otherwise, and by the Appellate Court in all other cases. The practice in cases of appeals from or writs of error to said municipal court in said cases shall, except as in this Act, or by rules of said court adopted in pursuance hereof, may be otherwise provided, be the same, as near as may be, as the practice in cases of appeals from and writs of error to circuit courts in similar cases: *Provided, however*, that upon the suing out of any writ of error in any criminal case, capital cases excepted, and the filing of the same in the municipal court, the municipal court may admit any defendant to bail pending the determination of such writ of error. But no appeal shall be allowed in any case unless the same be prayed for within twenty days after the entry of the order, judgment or decree appealed from, and no assignment of error in the Supreme Court or in the Appellate Court in any such case shall be allowed which shall call in question the decision of the municipal court in respect to any matter pertaining to the practice in said court: *Provided, however*, that the Supreme Court or the Appellate Court, as the case may be, may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where, in the opinion of the Supreme Court or Appellate Court, such relief is necessary to prevent a failure of justice. Authenticated copies of records of judgments, orders and decrees appealed from shall be filed in the office of the clerk of the Supreme Court, or of the Appellate Court, as the case may be, within forty days after the date of the order, judgment or decree appealed from, unless the municipal court, by an order entered within said forty days, shall have granted further time for the filing of the same.

§ 23. That the final orders and judgments of the municipal court in cases of the fourth class and cases of the fifth class mentioned in section two (2) of this Act shall be reviewed by writ of error only. Such writ of error shall be sued out of the Supreme Court in all cases in which a franchise, a freehold or the validity of a statute or the construction of the constitution is involved, and out of the Appellate Court in all other cases. The time within which a writ of error may be sued out in any such case shall be limited to thirty days after the entry of the final order or judgment complained of. The manner of prosecuting such writ of error shall be as follows:

First. Any party to any such case against whom there has been rendered any final order or judgment of the municipal court and who shall desire to obtain a review of such final order or judgment by a writ of error and who shall, for that purpose, also desire a stay of execution may, upon suing out of the Supreme Court, or Appellate Court, as the case may be, a writ of error in such case and filing the same in the municipal court, obtain from the municipal court a stay of execution upon such order or judgment for ninety (90) days after the entry thereof by the giving of a bond with a sufficient surety or sureties to be approved by a judge of the municipal court conditioned for the due prosecution of such writ of error and otherwise, as near as may be, as an appeal bond in case of an appeal from a similar order or judgment of a circuit court is required to be conditioned. No such bond, however, need be given in any case if the party suing out such writ of error shall not desire a stay of execution.

Second. No other or further stay of proceedings or execution in any such case shall be allowed by the municipal court, but the Supreme Court or the Appellate Court, or any judge thereof, may allow a supersedeas as in other cases, but upon the allowance of any supersedeas, when any bond has been given as above provided, no additional bond shall be required, and such supersedeas shall be operative until the final determination of such writ of error.

Third. If, upon application to the Supreme Court or Appellate Court, or to any judge thereof, for a supersedeas the same shall be denied, such order or judgment shall stand affirmed, and no further proceedings shall be had in said Supreme Court or Appellate Court with respect thereto, unless the Supreme Court or Appellate Court, or the judge denying such supersedeas, shall otherwise order.

Fourth. The party in whose favor any final order or judgment has been entered shall be entitled to sue out a writ of error from the Supreme Court or the Appellate Court, as the case may be, by depositing with the clerk of the court from which said writ of error is sued out the sum of twenty dollars (\$20) as security to the opposite party for such costs as may be awarded such opposite party by the Supreme Court or the Appellate Court, as the case may be, upon the final determination of such writ of error.

Fifth. The party suing out any writ of error shall not be required to serve upon the opposite party any *scire facias* to hear errors, but in lieu thereof shall, within five days after the issuance of the writ of

error, file the same with the clerk of the municipal court, and make to the supreme court or the appellate court, as the case may be, proof of such filing, and such writ of error so filed shall be notice to the opposite party of the suing out and prosecution of such writ of error.

Sixth. Upon application made at any time within thirty (30) days after the entry of any final order or judgment, or within such further time as may, upon application therefor within said thirty days, be allowed by the court, it shall be the duty of the judge by whom such final order or judgment was entered, to sign and place on file in the case in which the same was entered, if so requested by either of the parties to the suit, either a correct statement, to be prepared by the party requesting the signing of the same, of the facts appearing upon the trial thereof, and of all questions of law involved in such case, and the decisions of the court upon such questions of law, or, if such party shall so elect, a correct stenographic report of the proceedings at the trial, and a correct statement of such other proceedings in the case as such party may desire to have reviewed by the supreme court or the appellate court, omitting therefrom, with the approval of the judge, so much of the arguments of counsel and of the other proceedings, other than the evidence and rulings of the court with respect thereto and the charge of the court, as the judge may deem unnecessary for the presentation to the supreme court or the appellate court of the merits of the case: *Provided, however*, that the opposite party may, if he so elect, cause the parts so omitted to be signed by the judge as an additional report, and cause the same to be certified by the clerk and filed in the supreme court or appellate court, as the case may be, as a part of the record to be considered upon such writ of error. The expense of procuring such report, or additional report, shall be paid in the first instance by the party procuring the same, and shall be taxed as a part of the costs in the supreme court or appellate court, as the case may be. Such statement, or such original report and additional report, if there be such original or additional report, together with a certified copy of the judgment, and such other papers as may be specified by the judge, if any, shall be certified to the supreme court or appellate court, as the case may be, as the record to be considered upon the review of such order or judgment by writ of error.

Seventh. No order or judgment so sought to be reviewed shall be reversed unless the supreme court or appellate court, as the case may be, shall be satisfied from said statement or stenographic report, or reports, signed by said judge, that such order or judgment is contrary to the law and the evidence, or that such order or judgment resulted from substantial errors of said municipal court directly affecting the matters at issue between the parties, in which last mentioned case the supreme court or appellate court, as the case may be, may enter such order or judgment as, in its opinion, the municipal court ought to have entered, or it may reverse the said order or judgment and remand the case to the municipal court for further proceedings.

Eighth. No assignment of error in the supreme court or in the appellate court in any such case shall be allowed which shall call in

question the decision of such municipal court in respect to any matter pertaining to the practice in such court, nor shall any exceptions to the rulings and decisions of the municipal court upon the trial, which appear to have been made against the objection of the party complaining thereof, be necessary to the right of either party to a review of such rulings and decisions in the supreme court or appellate court upon their merits, but it shall be the duty of the supreme court or the appellate court, as the case may be, to decide such case upon its merits as they may appear from such statement or stenographic report or reports signed by the judge: *Provided, however,* that the supreme court or appellate court, as the case may be, may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where in the opinion of the supreme court or the appellate court, such relief is necessary to prevent a failure of justice.

Ninth. In all other particulars the practice in writs of error to the municipal court in cases of the fourth and fifth classes shall be the same, as near as may be, as the practice in writs of error to circuit courts in similar cases.

§ 24. That, in any case transferred to said municipal court by the circuit or superior court of Cook county for trial and disposition, said municipal court shall exercise the same powers as the court from which said case has been transferred might have exercised had said case not been so transferred. The circuit court of Cook county or the superior court of Cook county may, upon the application of either party for a change of venue, and shall upon request of both parties to any suit at law or in equity pending therein, transfer said suit to the municipal court for trial and disposition. The criminal court of Cook county may, in its discretion, upon the request of the State's attorney, or of any defendant, or of its own motion, transfer to the municipal court for trial and disposition any case therein pending, and shall have power to make all orders which it may deem necessary to accomplish such transfer and secure the attendance of the parties and witnesses upon said municipal court until the final disposition of the case, and said municipal court, when any criminal case shall have been so transferred to it, shall exercise all the powers with respect to the trial and disposition of said case which the said criminal court of Cook county might have exercised had said case not been so transferred. In any case prosecuted by indictment in said criminal court, such transfer shall be made by an order of said criminal court certifying the indictment to the municipal court, the form of such order to be the same, as near as may be, as is required by law for the certifying by a circuit court of an indictment to a county court for process and trial, or for trial, as the case may be. In certifying any such indictment from the criminal court to the municipal court, the clerk of the criminal court may use the following form, substantially:

State of Illinois, }
Cook County, } ss.

I,, clerk of the criminal court of Cook county aforesaid, do hereby certify that the within bill of indictment was on

the day of, A. D. 19...., duly presented in open court by the grand jury of said county, and, being examined by the said criminal court, it was thereafter, on the day of, A. D. 19...., ordered by the court that the same be certified by the clerk of said criminal court to the municipal court of Chicago, which is done accordingly.

Such certificate, when endorsed on the back of any indictment, shall be sufficient to warrant a trial and conviction of any party charged in any indictment so certified, and shall be deemed a sufficient record to authorize the municipal court to try the party so indicted: *Provided*, either party may ask for and obtain a rule on the clerk of the criminal court for a complete record, duly and properly certified, of any cause pending in the municipal court having been certified as aforesaid; and it shall be the duty of the clerk of the criminal court to obey any rule of the municipal court for the purpose aforesaid, and when a complete record shall be so certified to the municipal court, said court shall be governed thereby in all respects in all its proceedings. In any case prosecuted by information in said criminal court such transfer shall be made by an order of said criminal court certifying the information to the municipal court, the form of such order to be the same, as near as may be, as is above provided in case of an indictment. All judgments of conviction in criminal cases in said municipal court, where the punishment inflicted is death or imprisonment, shall be carried into execution in the same manner as is provided by law for similar cases in said criminal court of Cook county. The prosecution of all criminal cases in the municipal court shall be conducted by or under the supervision of the State's attorney of Cook county, but in any case in which the State's attorney is disqualified from acting or is unable to act, the court may appoint some attorney at law of Cook county to act as prosecuting attorney in such case.

§ 27. That all criminal cases in the municipal court in which the punishment is by fine or imprisonment otherwise than in the penitentiary, may be prosecuted by information of the Attorney General or State's Attorney, or some other person, and when an information is presented by any person other than the Attorney General or State's attorney, it shall be verified by affidavit of such person that the same is true, or that the same is true as he is informed and believes. Before an information is filed by any person other than the Attorney General or State's attorney, one of the judges of the municipal court shall examine the information and may examine the person presenting the same and require other evidence and satisfy himself that there is probable cause for filing the same and so endorse the same. Every information shall set forth the offense with reasonable certainty, substantially as required in an indictment, and the proceedings thereon shall be the same, as near as may be, as upon indictment in the criminal court of Cook county, excepting as is by this Act otherwise provided. But criminal cases in which the punishment is by fine only may, in the discretion of the court, be prosecuted by complaint as is provided by law for the prosecution of criminal cases before justices of the

peace. Any person committed for a criminal or supposed criminal offense and not admitted to bail and not tried within four months after the date of arrest, shall be set at liberty by the court, unless the delay shall happen on the application of the prisoner or unless the court is satisfied that due exertion has been made to procure the evidence on the part of the people and that there is reasonable grounds to believe that such evidence may be procured within the next sixty days, in which case the court may continue the case for such time as the court may deem necessary, not exceeding said sixty days: *Provided, however,* that if said person be not tried within said sixty days no further continuance shall be granted and said person shall be set at liberty by the court.

§ 28. That, until otherwise provided by the rules of the municipal court, cases of the first class mentioned in section two (2) of this Act shall be commenced and prosecuted in said municipal court in the same manner in which similar suits and proceedings are required to be commenced and prosecuted in the circuit courts, except as is herein otherwise prescribed, and excepting also in the following particulars:

First. The summons, when the first process is a summons, or the writ, when the first process is a writ, shall be directed to the bailiff to execute and shall be returnable upon some Monday at least five days, and not more than twenty days, after the date thereof.

Second. Service of such summons or writ shall be made by delivering a copy thereof to the defendant, if an individual, and informing him of the contents thereof, but if any defendant be a corporation, the service shall be made in the manner provided by law for similar cases in the circuit courts.

Third. Notice to the defendant by publication may be given under like circumstances and in the same manner as is provided by law for similar cases in the circuit courts, but the notice published, in lieu of stating the time of the return of the summons or writ, shall state the date on or before which the defendant is required to appear, which date shall be some Monday not less than forty nor more than sixty days after the date of the first publication of notice, as the plaintiff may require.

Fourth. No such suit shall be commenced in the municipal court unless the defendant, if there be but one defendant, resides or is found within the city of Chicago, or if the defendant be a corporation, unless its principal office is within said city; but if the defendant be a corporation not having a principal office in the city of Chicago, such suit may be brought in the municipal court wherever service of process may be had within the city upon any officer, agent or employé of such corporation upon whom service of process might be had if issued in a suit commenced in the circuit court.

Fifth. The provisions of paragraph fourth above shall not apply to attachment suits, replevin suits or cases of distress for rent brought against non-residents of this State, which suits may be brought in the municipal court when any property of the defendant is levied upon,

or distrained, or any garnishee resides or is found within the city of Chicago, or, if the suit be a replevin suit, when the property sued for is replevined within the city of Chicago.

Sixth. When there are several defendants, one of whom resides or is found or is served with process in the city of Chicago, a summons or writ may be issued to the sheriff of Cook county for any defendant residing or to be found in said county, but outside of the city of Chicago, or to the sheriff of any other county for any defendant residing or to be found in such county, and service of any summons or writ so issued shall be made in the same manner as herein required in the case of a summons or writ directed to the bailiff: *Provided, however,* that no judgment shall, in any case, be rendered against any defendant served with process outside of the city of Chicago unless judgment be also rendered against a defendant served within said city of Chicago.

Seventh. The plaintiff shall file his declaration within three days after the commencement of the suit, in default whereof the suit shall be dismissed unless the court by an order entered in said suit shall extend the time for filing such declaration.

Eighth. The defendant shall, in case he shall have been served with process or summons, or with the writ, three days or more prior to the return day thereof, enter his appearance on or before such return day and shall demur or plead to the declaration or the complaint on or before the Monday succeeding such return day; but in case the summons or writ shall have been served less than three days prior to the return day the defendant shall not be required to enter his appearance until on or before the first Monday succeeding such return day and shall not be required to plead to the declaration or complaint until on or before the second Monday after such return day. In case the time for filing the declaration or complaint shall be extended by the court, the time for the defendant to demur or plead to the same shall be extended until the second Monday succeeding the expiration of such extension of time. The time within which the defendant is required to demur or plead may be extended by the court in its discretion. In case the defendant shall fail to enter his appearance or to demur or plead within the time thus required, the plaintiff shall be entitled to judgment by default.

Ninth. The judges of said municipal court may, by rules adopted in the manner prescribed by this Act, provide that the practice in cases of the first class shall be the same as in this Act provided for cases of the fourth class. But all cases provided for in this section shall be commenced, prosecuted and disposed of in the First district.

Sec. 29. That cases of the fourth class mentioned in section two (2) of this Act shall be brought and prosecuted in the district in which the defendant, if there be but one defendant, or one of the defendants, if there be more than one defendant, resides or is found, or if the defendant be a corporation having its principal office in the city of Chicago, in the district in which its principal office is located; but if the defendant be a corporation not having a principal office in the city of Chicago, suit may be brought in any district within which service of process may be had upon any officer, agent or employé of such corpo-

ration, upon whom service of process might be had if issued in a suit commenced in the circuit court. If, in any such case, there is more than one defendant and one defendant resides or is found within the district in which such suit is brought or is properly served with process therein, the process of such municipal court may be served upon the remaining defendant or defendants at any place within said city of Chicago. But no suit against the city of Chicago or any other municipal corporation shall be brought in any other than the First district. If, in any case where there is more than one defendant, process is duly served upon one or more defendants and returned not served as to another defendant or other defendants, the suit shall proceed as in like cases in the circuit court. But the requirements that the defendant, if there be but one defendant, or one of the defendants, if there be more than one defendant, must reside or be found within the district in which such suit is brought shall not apply to attachment suits, replevin suits or cases of distress for rent, brought against non-residents of this State, which suits may be brought in any district when any property of the defendant is levied upon, replevined or distrained within such district, or any garnishee resides or is found in such district, nor shall it apply to forcible entry and detainer suits in which the defendants do not reside or cannot be found within the city of Chicago, which suits may be brought in any district in which the property, the possession of which is sought to be recovered, is situated, and notice may be given by publication in the manner prescribed by this Act. When, upon the complaint of any defendant, it shall be made to appear to the municipal court in any district that the suit has been improperly brought therein, the court shall not be required on that account to dismiss the suit, if the municipal court in any district could properly have jurisdiction thereof, but in such case the court may cause such suit to be transferred to the proper district and the court in the district to which the same is transferred shall proceed therewith as if the same had been originally commenced in said district: *Provided, however,* that the court may, in its discretion, require the plaintiff to pay the costs of the defendant paid by him prior to such transfer: *And, provided, further,* that whenever a trial by jury is demanded in any case, whether civil, criminal or quasi criminal, the court may, in its discretion, direct the trial of said case to be had in the First district, and for that purpose may cause said case to be transferred to the First district, to be there tried and disposed of.

§ 30. That every suit at law in the municipal court other than a case of the second class, or a case of the third class, or a case of the fifth class, or a bastardy case, mentioned in section two of this Act, shall be tried by the court without a jury unless the plaintiff, at the time he commences his suit, or the defendant, at the time he enters his appearance, shall file with the clerk a demand in writing of a trial by jury, which demand, however, may be withdrawn by the party filing the same at any time before the trial. Every civil suit at law of the second class shall be tried by the court without a jury unless the respective parties, or one of them, shall, at the time of entering their or his appearance in the municipal court, file with the clerk a demand in writing of a trial by jury. Every person desirous of suffering a

non-suit on trial shall be barred therefrom unless he do so before the jury retire from the bar, or before the court, in case the trial is by the court without a jury, states its finding.

§ 31. In all cases tried by a jury in the municipal court each party shall be entitled to a challenge of the same number of jurors, without showing cause for such challenge, as are allowed in similar cases in the circuit court and in the criminal court of Cook county, and challenges for statutory and other causes shall be allowed as in similar cases in the circuit court and in said criminal court of Cook county. It shall be the duty of the judge presiding at the trial to examine or cause to be examined all jurors called into the jury box in any case with respect to their statutory qualifications to serve as petit jurors in such case, unless said examination shall have been previously made as above provided, and to permit the plaintiff and the defendant to propound to the jurors such pertinent questions as may be necessary for the purpose of ascertaining whether the jurors are biased or prejudiced; but upon appeal or writ of error to review any judgment of said municipal court in any case tried therein by a jury, no assignment of errors shall be allowed which shall call in question any ruling of the court pertaining to or connected with the impaneling of the jury, other than one improperly restricting the right of a party to examine the jurors as to bias or prejudice, or improperly overruling a challenge by a party of a juror for bias or prejudice.

§ 35. That any judge of the municipal court shall have the power to sign or otherwise make any order in any suit pending in the municipal court at any place within the city of Chicago whenever, in the opinion of such judge, the granting of such order at such place is in furtherance of justice, and such order shall be as effective as though made in any court room of said court or in the chambers of said judge: *Provided, however,* that after the defendant shall have entered his appearance, no such order shall be made at any other place than a branch court of the district in which said suit is pending, without reasonable notice to the parties.

§ 37. That in trials by jury in the municipal court, the court shall charge the jury as to the law only, and the charge may, in the discretion of the court, be given orally or in writing; but when given orally it shall, at the request of either party, be taken down in shorthand, and a transcript thereof shall be made and shall be signed by the judge and filed in the cause in which such charge is given, and shall be made a part of the record in such cause.

§ 38. That whenever it appears in any bill of exceptions signed in any case of the first class, or any case of the second class, or any case of the third class, or any bastardy case, mentioned in section two (2) of this Act, tried and determined in the municipal court, that any erroneous ruling was made by said municipal court against the objection of the party complaining thereof, but that no formal exception was taken by such party thereto, such erroneous ruling shall be subject to review upon appeal or writ of error to the same extent and in like manner as if it appeared that a formal exception had been taken thereto by the party complaining, and no bill of exceptions shall be held

defective for the want of the seal of the judge thereto. A bill of exceptions may be tendered to the judge at any time within sixty (60) days after the entry of a final order or judgment, or within such further time thereafter as the court, upon application made therefor within such sixty (60) days, may allow. Upon the prosecution of an appeal or writ of error to review any judgment of the municipal court, in any such case, the original bill of exceptions, in lieu of a certified copy thereof, shall be inserted in the transcript of the record to be filed in the Supreme Court or Appellate Court upon such appeal or writ of error, unless the municipal court shall otherwise direct, and upon the final determination of such appeal or writ of error such original bill of exceptions shall be remitted to the municipal court.

§ 39. That no application for a change of venue in any case of the fourth class, or in any case of the fifth class mentioned in section two (2) of this Act, or in any criminal case punishable by a fine or imprisonment otherwise than in the penitentiary, on account of the prejudice of the judge, shall be allowed by the municipal court when the applicant names in his application more than three judges from whom such change of venue is desired, nor unless such application for a change of venue is made by petition as in like cases in the circuit courts, and such petition is filed at or before the time of the filing or entering by the defendant of his appearance in the suit in which such change of venue is asked for, if such suit is a civil or quasi criminal suit, or at or before the time the defendant is required to plead if such suit is a criminal suit, and in no case shall the granting of any change of venue delay the trial of the suit, but such suit shall be tried and disposed of at the time set for the trial thereof or at the time to which the trial thereof may be postponed, before some other judge of the court than the one or ones from whom the change of venue has been granted, or in any other district in which the same may be ordered to be tried, and all orders necessary for the setting of such case for trial and for the securing of a speedy trial thereof may be made by the judge from whom said change of venue has been obtained.

§ 40. That every case of the fourth class mentioned in section two (2) of this Act, excepting the attachment suits, garnishment suits, replevin suits, cases of distress for rent, forcible entry and detainer suits, and trials of the right of property, brought in the municipal court, shall be commenced by the filing by the plaintiff with the clerk of a *praecipe* for a summons, specifying the names of the parties to the suit, the amount of the plaintiff's claim and the day at which the summons shall be made returnable, which day shall not be less than five (5) nor more than fifteen (15) days from the filing of the *praecipe*, and a statement of the plaintiff's claim, which statement, if the suit be upon a contract, express or implied, shall consist of a statement of the account or of the nature of the demand; or, if the suit be for a tort, it shall consist of a brief statement of the nature of the tort and such further information as will reasonably inform the defendant of the nature of the case he is called upon to defend; but nothing herein contained shall be construed to require the statement of claim in any action for a tort to set forth the cause of action with the particularity required in a

declaration at common law. In cases of the fourth class mentioned in said section two (2) of this Act, the municipal court may adopt such rules and regulations as it may deem necessary to enable the parties, in advance of the trial, to ascertain the nature of the plaintiff's claim or claims, or of the defendant's defense or defenses. No summons, however, need be issued or served in the case of the confession of a judgment in a case of the fourth class, but such judgment may be confessed in the same manner, as near as may be, as in a similar case in the circuit court.

§ 41. That upon the filing of such *praecipe* and statement of claim the clerk of the municipal court shall issue a summons to the defendant directed to the bailiff to execute and returnable at half past 9:00 o'clock a. m. sharp of the day for such return specified in the *praecipe*, which summons shall state the amount of the plaintiff's claim and shall be attested in like manner as a summons issued out of a court of record. Upon every such summons there shall be printed in plain type the provisions of this Act pertaining to defaults in case of the non-appearance of the defendant, and setting of the case for trial in case of appearance, and such further information as may be prescribed by the chief justice.

§ 42. That every such summons issued out of the municipal court shall be served, if the defendant be an individual, by delivering to him a copy thereof and informing him of its contents; or, if the defendant be a corporation, service shall be made upon such corporation in the same manner as is now or hereafter may be provided by law for the service of process upon such corporations in a suit at law when issued out of a circuit court. There shall be attached to the copy of the summons thus served a copy of the plaintiff's *praecipe* and statement of claim. In case said summons shall not be served upon the defendant three days or more prior to the return day thereof an alias summons may be issued, and a subsequent pluries summons may be issued in any case when a previous alias or pluries summons shall not have been served upon the defendant three days or more prior to the return day fixed in the previous summons. Service of such alias or pluries summons shall be made in the same manner as that above provided for the service of the original summons. It shall be the duty of the bailiff to return every summons immediately upon the expiration of the time within which the same is required to be served upon the defendant.

§ 43. That upon the return of any such summons duly served upon the defendant the plaintiff shall be entitled to judgment as in case of default, unless the defendant shall either appear in person at the time specified in such summons, or shall file his appearance in writing in said municipal court at or before the time fixed in such summons for his appearance. In case any defendant appears in person and desires to make defense to the suit, the court shall cause him to sign and file a written appearance. Upon such default the court shall assess the damages after hearing such evidence as the court may deem sufficient for that purpose. In case the defendant shall desire upon the trial to present any set-off or counter claim, he shall file a statement thereof with his appearance: *Provided, however*, the court may, in its discre-

tion, extend the time for the filing of such statement. It shall be the duty of the court at half past 9:00 o'clock a. m. sharp of each day upon which the court is open for business, or as soon thereafter as is practicable, to call or cause to be called, the cases in which the defendants are then required to appear in person or to file their appearances in writing and in which the appearances in writing of the defendants have not been filed, and to give, or cause to be given, such directions with respect to such appearances as the court may find necessary or proper for the information of the parties.

§ 44. That the clerk of the municipal court shall keep on hand and furnish to suitors and attorneys on application printed blank forms of *praecipies*, summonses, entries of appearance, affidavits, bonds, attachment writs, replevin writs, petitions for changes of venue, and all other necessary papers for the use of the parties to suits in such courts. Forms for such papers shall be prescribed by the chief justice of the municipal court, who shall also from time to time prescribe and cause to be printed forms of statements of claims to be used in said court.

§ 45. That if, in any case of the fourth class or in any case of the fifth class mentioned in said section two (2) of this Act, brought in the municipal court, the defendant shall appear at the time specified in the summons or shall have entered his appearance in writing at or before the time so specified, the court shall, at such time, or as soon thereafter as practicable, fix a time for the trial thereof, and such case shall be tried at the time so fixed, or as soon thereafter as the other business of the court will permit.

§ 46. That amendments to statements of claims, set-offs and counter claims, *praecipies*, summons and other papers filed by either party may, in the discretion of the court, be allowed at any time.

§ 47. That the court may, in any case of the fourth class mentioned in section two (2) of this Act, make such orders in respect to the trial thereof as the court may deem proper and necessary for the protection of the rights of the parties, and the failure of the court to try or otherwise dispose of any such case at the time which may be fixed therefor shall not operate as a discontinuance, but the same shall remain under the control of the court until the final disposition thereof.

§ 48. That the practice and proceedings in the municipal court, other than the mode of trial and the proceedings subsequent to trial, in cases of attachment, garnishment, replevin, distress for rent and forcible detainer, included within the cases of the fourth class mentioned in section two (2) of this Act, shall be the same, as near as may be, as that which is now prescribed by law for similar cases in other courts of record with the following exceptions:

First. There shall be no written pleadings, excepting such as are required by law in similar cases before justices of the peace, other than the affidavits in attachment, garnishment and replevin, copies of the distress warrant in cases of distress for rent, the complaint in forcible detainer, and such other written pleadings or statements as may be required from time to time by the rules or regulations of the municipal court, and the writ and summons shall be made returnable, and shall

be served in like manner, as the summons in other cases of such class in the municipal court, and notice by publication may be given in cases where the amount claimed by the plaintiff does not exceed two hundred dollars (\$200.00) in the manner now provided by law in cases of attachments before justices of the peace, and in all other cases in the manner prescribed by this Act for attachment cases of the first class, and alias and pluries writs and summonses may be issued under like circumstances as alias and pluries summonses in other cases of the fourth class.

Second. In attachment cases the defendant, at the time of his appearing in person, or of his entering his appearance in writing, if he shall desire to be permitted to present any set-off or counter claim, shall file a statement thereof.

Third. In forcible detainer cases the plaintiff may unite with his claim for possession of the property any claim for rent or damages for withholding possession of the same.

Fourth. The mode of trial and all proceedings subsequent to the trial shall be the same, as near as may be, as in other cases of the fourth class, mentioned in section two of this Act.

§ 48a. Proceedings for the trial of the right of property may be instituted in every case in which an execution or writ of attachment issued out of any court of record is levied by any sheriff or coroner or by the bailiff of the municipal court upon personal property within the city of Chicago. Such proceedings shall be commenced by the filing by the claimant in the municipal court of a *praecipe* for a summons to such sheriff, coroner or bailiff and to the plaintiff in the execution or writ of attachment, together with a statement, verified by the affidavit of the claimant, his agent or attorney, of his claim, describing the property claimed. Thereupon a summons shall be issued in accordance with such *praecipe*, which summons shall describe the property claimed and shall be made returnable and shall be served within the same time and in the same manner as any other summons in a case of the fourth class; and thereupon the proceedings in such case shall be the same, as near as may be, as in cases of replevin of the fourth class, excepting that no bond shall be required of the claimant nor shall there be any delivery of property to him in any case until after final judgment; but if, upon the trial, the claimant shall be found to be entitled to the property or to any part thereof, judgment shall be entered in his favor for the property or such part thereof as he shall be found entitled to and he shall be awarded execution therefor.

§ 49. That the practice in the municipal court in cases of the fifth class shall be the same, as near as may be, as is herein prescribed for civil cases of the fourth class mentioned in section two (2) of this Act in said court, excepting as follows:

First. If, in any case, the defendant, after being duly served with summons, fails to appear personally at the time specified in the summons, or to enter his appearance at or before such time, the court may proceed as in case of default, or may issue a warrant for the arrest of the defendant.

Second. When the facts constituting the offense complained of also constitute, in whole or in part, a violation of the criminal code, the court may issue a warrant in the first instance against the defendant, upon the filing by some person of a complaint under oath that the offense has been committed, and that the complainant has just and reasonable grounds to believe that the defendant committed the offense, and such warrant may be served at any place within the city of Chicago, if the court, in its discretion, shall so direct.

Third. A warrant may be issued in the first instance upon the affidavit of any person that an ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof and will escape unless arrested, and stating the facts upon which such belief is based: *Provided*, the judge to whom application is made for such warrant shall be satisfied, after examining, or causing to be examined under oath, the party making the affidavit, that such arrest should be made; and any person arrested upon any warrant herein provided for shall, without unnecessary delay, be taken before the court to which such warrant is returnable and tried for the alleged offense, and such warrant may be served at any place within the city of Chicago, if the court, in its discretion, shall so direct.

Fourth. Any police officer of the city of Chicago may arrest on view any person who may be seen by such police officer in the act of violating, within the city of Chicago, any ordinance of said city, or any ordinance of any municipal corporation, situated, in whole or in part, within the limits of said city, whenever such violation is, by such ordinance, made punishable by fine or otherwise. Any person so arrested shall, without unnecessary delay, be taken by such officer to some convenient branch of the municipal court, and such police officer shall thereupon make and file a complaint in writing, under oath, against such defendant of the violation by such defendant of such ordinance, and such defendant shall thereupon be dealt with according to law in the same manner as if he had been arrested in the first instance under a warrant lawfully issued.

§ 50. That upon the arrest of any person for any criminal or quasi criminal offense within the jurisdiction of the municipal court any judge of the municipal court, or any judge of the circuit or superior court of Cook county, shall have power to let such person to bail; and in case of the arrest of any person for any quasi criminal offense, or for any offense when the punishment is by fine or imprisonment otherwise than in the penitentiary, the chief of police, or any captain or lieutenant or sergeant of police, of the city of Chicago, or any deputy clerk designated for that purpose by an order signed by a majority of the judges of the municipal court, shall have power to let such person to bail. The bail bond in any such case shall be conditioned for the appearance of the person arrested before some branch court at a time fixed in said bond for such appearance, which time shall not be later than two days after the date of the bond, and from day to day thereafter until the final judgment or order of the court, and shall be otherwise conditioned, as near as may be, as a bail bond or recognizance taken in open court. Any bond so taken shall be signed by one or more sureties to

be approved by such judge or officer who shall be authorized and required to administer oaths for the purpose of ascertaining the sufficiency of the sureties. All bonds so taken shall be filed with the clerk of the municipal court at the branch court at which the person so arrested is required to appear. The exercise of the power hereby conferred of letting to bail shall be subject to regulations by such rules as may be adopted by a majority of the judges of the municipal court, as herein provided. But any person so arrested shall have the right to be brought immediately before the municipal court in the district in which he is arrested; or, if there be no judge then in attendance upon such court, before the municipal court in any other district at which there may be then a judge in attendance, to be dealt with by such court according to law. The court may by rule provide that any defendant arrested in any criminal case in which the punishment is by fine or imprisonment otherwise than in the penitentiary, or in any quasi criminal case, in lieu of giving bail for his appearance, may deposit with the clerk or with the police officer letting such person to bail, to be by such police officer paid over to the clerk within twenty-four hours after such deposit is made, such sum of money as the court may deem sufficient to secure his appearance at the time or times fixed therefor, such sum to be forfeited and paid into the city treasury in case such defendant shall fail to appear at the time or times so fixed: *Provided, however,* that if, upon an application made at any time within thirty days after such forfeiture such defendant shall prove to the satisfaction of the court that his failure to so appear was the result of serious illness, or other unavoidable accident, the court may, by order, set aside such forfeiture.

§ 50a. That the practice and proceedings in the municipal court in bastardy cases shall be as follows:

First. Whenever an unmarried woman, who shall be pregnant or delivered of a child, which by law would be deemed a bastard, shall file in the municipal court, if she be pregnant, or so delivered in the city of Chicago or the person accused be found in said city of Chicago, her complaint in writing, under oath or affirmation, accusing a person of being the father of such child, the court shall order a warrant to issue against the person so accused and cause him to be brought forthwith before the court.

Second. Such warrant shall be issued to the bailiff and to all sheriffs, coroners and constables in the State of Illinois and may be executed by any officer in any county.

Third. If, upon his appearance, the defendant denies the charge, the court shall cause an issue to be made up whether the person charged as aforesaid is the real father of the child or not, which issue shall be tried by a jury, unless the party shall elect to waive a trial by jury, in which case the issue shall be tried by the court without a jury.

Fourth. Pending the trial of such issue, and the final disposition of the matter, the court shall require the defendant to enter into a recognizance, in such an amount and with such sureties as the court may deem just, for the appearance of the defendant, from day to day until the entry of the final judgment.

Fifth. All further proceedings in the case shall be the same, as near as may be, as are provided by law for similar cases in the criminal court of Cook county.

Sixth. The practice in cases of appeals from and writs of error to the municipal court in bastardy cases shall be the same, as near as may be, as is in this Act provided for cases of the first class, such appeals to be taken to and such writs of error to be sued out from the Appellate Court of the first district.

§ 50b. That the practice in the municipal court in proceedings to prevent the commission of crimes shall be the same, as near as may be, as is now provided by law for similar proceedings before judges of courts of record and justices of the peace, with the following exceptions:

First. The complaint shall be filed with the clerk of the municipal court who, when so ordered by the court, shall issue a warrant to the bailiff requiring him to forthwith apprehend the person complained of and bring him before the court.

Second. All proceedings in such cases shall be proceedings in court, instead of proceedings before a judge thereof, and all orders entered in such proceedings shall be orders of court, instead of orders of a judge thereof, and shall be entered of record as orders in other cases.

Third. Recognizance may be taken in open court, and when so taken shall have the same force and effect, and be enforced in the same manner, as recognizances in other cases taken in open court.

Fourth. No appeal shall be allowed from any order in such cases to the criminal court of Cook county, but all orders of the court may be reviewed by appeal to the Appellate Court of the first district. The practice in appeals in such cases shall be the same, as near as may be, as that provided for by this Act for appeals in cases of the first class.

§ 50c. That the practice in all proceedings in the municipal court for the arrest, examination, commitment and bail of persons charged with criminal offenses shall be the same, as near as may be, as is provided by law for similar proceedings before judges of courts of record and justices of the peace, with the following exceptions:

First. The complaint shall be filed with the clerk of the municipal court, who, when so ordered by the court, shall issue a warrant, which shall be directed to the bailiff and to all sheriffs, coroners and constables within this State and shall require the officer to whom it is directed to forthwith take the person of the accused and bring him before the court, and all proceedings in the case shall be proceedings in court instead of proceedings before a judge thereof, and all orders entered in such proceedings shall be orders of court, instead of orders of a judge thereof, and shall be entered of record as orders in other cases.

Second. All recognizances may be taken in open court, in which case they shall have the same force and effect as recognizances in other cases taken in open court.

Third. Upon the hearing the court may, in its discretion, cause the testimony of the witnesses to be taken down in shorthand and transcribed, and when so transcribed it may be certified by the judge and transmitted to the clerk of the criminal court, and when so certified and

transmitted it may be presented to the grand jury and be given the same force and effect by the grand jury as if the witnesses had appeared before the grand jury and orally testified.

§ 50d. That the practice in the municipal court in proceedings pertaining to search warrants shall be the same, as near as may be, as that provided by law for similar proceedings before judges of courts of record and justices of the peace, with the following exceptions:

First. The complaint shall be filed with the clerk of the municipal court, who, when so ordered by the court, shall issue the warrant, which shall be directed to the bailiff or to the sheriff or to any constable of the county, commanding such officer to search either in the day time or the night time the house or place where the stolen property or other things for which he is required to search are believed to be concealed (which place and property or things to be searched for shall be particularly designated and described in the warrant), and to bring such stolen property or other thing, when found, and the person in whose possession they are found, before the municipal court.

Second. That all proceedings in such cases shall be proceedings in court, instead of proceedings before a judge thereof, and all orders entered in such proceedings shall be orders of the court, instead of orders of a judge thereof, and shall be entered of record as orders in other cases.

§ 51. That both in direct and in collateral proceedings the same presumptions shall be indulged with respect to the jurisdiction of the municipal court over the subject matter of suits and over the parties thereto, and with respect to the regularity of the proceedings of said municipal court, as are indulged with respect to the jurisdiction and regularity of the proceedings of circuit courts in like cases.

§ 52. That if the method of procedure in any case within the jurisdiction of the municipal court is not sufficiently prescribed by this Act, or by any rule of court adopted in pursuance hereof, the court may make such provision for the conducting and disposing of the same as may appear to the court proper for the just determination of the rights of the parties.

§ 54. That the municipal court shall take judicial notice of all matters of which courts of general jurisdiction of this State are required to take judicial notice, and also the following:

1. All general ordinances of the city of Chicago and all general ordinances of every municipal corporation situated in whole or in part within the limits of the city of Chicago, and all ordinances of any municipal corporation remaining in force after the annexation of the territory of such municipal corporation, in whole or in part, to the city of Chicago.

2. All laws of a public nature enacted by any state or territory of the United States.

§ 56. That the costs in civil cases in the municipal court shall be as follows:

First. In a case of the first class mentioned in section two (2) of this Act, the plaintiff, at the time of commencing his suit, shall pay to

the clerk in full for all services to be rendered by said clerk for the plaintiff in said suit other than the making or furnishing of transcripts of the record, the sum of eight dollars (\$8.00), and if he at the same time files with the clerk a demand in writing for a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6.00).

Second. In a case of the second class mentioned in section two (2) of this Act, the party requesting the transfer of the case at the time of the filing in the municipal court of the transcript of the record of the proceedings of the court from which the case was transferred, shall pay to the clerk in full for all services to be rendered by said clerk for said party in said suit other than the making or furnishing of transcripts of the record, the sum of one dollar (\$1.00), and if the said party at the same time, or the other party to said case, at the time of entering his appearance, files with the clerk a demand in writing for a trial by jury, the party so filing such demand shall pay to the clerk the further sum of six dollars (\$6.00).

Third. In any case of the first class mentioned in section two (2) of this Act, the defendant, at the time of filing his appearance, and before he shall be permitted to make any defense, shall pay the clerk in full for all services to be rendered by said clerk for the defendant in said suit, other than the making or furnishing of transcripts of the record, the sum of five dollars (\$5.00); and if such defendant shall, at the time of entering his appearance, also file with the clerk a demand in writing of a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6.00).

Fourth. In any case of the fourth class mentioned in section two (2) of this Act, the plaintiff, at the time of commencing his suit, shall pay to the clerk for all services to be rendered by said clerk, if such case be other than an action of forcible detainer, the sum of two dollars (\$2.00), when the amount claimed by him in money or property does not exceed two hundred dollars (\$200.00); the sum of five dollars (\$5.00) when the amount claimed by him in money or property exceeds two hundred dollars (\$200.00) but does not exceed one thousand dollars (\$1,000.00); and in a case of forcible detainer the sum of two (\$2.00), when the plaintiff does not unite with his claim for possession of the property any claim for rent or damages, but when he does unite with his claim for possession of the property a claim for rent or damages, he shall pay to the clerk the further sum of two dollars (\$2.00), when the amount claimed for rent or damages does not exceed two hundred dollars (\$200.00), and the further sum of five dollars (\$5.00) when the amount claimed for rent or damages exceeds two hundred dollars (\$200.00); and in every case of the fourth class, if the plaintiff, at the time he commences his suit, files with the clerk a demand in writing for a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6.00).

Fifth. In any case of the fourth class mentioned in section two (2) of this Act, the defendant, at the time of entering his appearance, shall pay to the clerk in full for services to be rendered by said clerk, if the suit be other than an action of forcible detainer, the sum of two dollars (\$2.00), when the amount claimed by the plaintiff in money or property

exceeds two hundred dollars (\$200.00) ; and in actions of forcible detainer in which the plaintiff unites with his claim for possession of the property a claim for rent or damages, the sum of two dollars (\$2.00), when the amount claimed for rent or damages exceeds two hundred dollars (\$200.00) ; and in every case of the fourth class, if the defendant, at the time he enters his appearance, files with the clerk a demand in writing for a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6.00).

Sixth. In any case of the first class and in any case of the second class mentioned in section two (2) of this Act, the party delivering to the bailiff, or to any sheriff, or to any coroner, any summons, writ of attachment, writ of replevin, subpoena, writ of execution or other process, shall, at the time of making such delivery, pay to the bailiff, or sheriff, or coroner, as the case may be, the sum of one dollar and seventy-five cents (\$1.75) for each defendant or other person named in such process upon whom service thereof is to be made, and in cases of writs of attachment, replevin or execution, he shall pay to the bailiff, or to the sheriff, or to the coroner, as the case may be, the further sum of one dollar and seventy-five cents (\$1.75) when any levy upon or seizure of property is to be made thereunder, and shall also pay to the bailiff, or sheriff, or coroner, as the case may be, the actual expense of seizing and caring for any property levied upon or seized thereunder, and the costs for other services of the bailiff, or of the sheriff, or of the coroner, as the case may be, in cases of the first class and cases of the second class, shall be the same as those required by law, from time to time, to be paid for similar services in cases in the circuit court of Cook county, excepting that no charge shall be made for mileage in the serving of any writ, and that no charge shall be allowed for the service or return of any alias writ, when the costs above provided for the original writ have been paid.

Seventh. In any case of the fourth class mentioned in section two (2) of this Act, the party delivering to the bailiff any summons, writ of attachment, writ of replevin, subpoena, writ of execution or other process, shall, at the time of making such delivery, pay to the bailiff the sum of one dollar (\$1.00) for each defendant or other person named in such process upon whom service thereof is to be made ; and in cases of writs of attachment, replevin or execution, he shall pay to the bailiff the further sum of one dollar (\$1.00), when any levy upon or seizure of property is to be made thereunder, and shall also pay to the bailiff the actual expense of seizing and caring for any property levied upon or seized thereunder ; but no costs for the service or return of any alias writ shall be chargeable when the costs above provided for the original writ have been paid.

Eighth. In any case the party procuring any certified copy of the record, or of any portion thereof, in any case shall pay to the clerk the same fees required by law from time to time to be paid to the clerk of the circuit court of Cook county for similar services.

Ninth. In any case of the fourth class mentioned in section two (2) of this Act, the bailiff, as commissions on moneys realize by execution, shall collect from the defendant in the execution five (5) per

cent upon the amount realized, if it do not exceed one hundred dollars (\$100.00); but if the amount realized exceeds one hundred dollars (\$100.00), the bailiff shall collect five (5) per cent on the first one hundred dollars (\$100.00) and three (3) per cent upon the excess over one hundred dollars (\$100.00).

Tenth. All other costs not herein expressly provided for shall be the same as the costs provided by law in cases in the circuit court of Cook county, and all costs shall be taxed in favor of the successful party and against the unsuccessful party in the same way and to the same extent as costs in similar cases are taxed in the circuit court of Cook county, unless the court shall otherwise direct.

In any case included within the terms of this section the court may, in its discretion, order that an advance payment of costs may be waived in favor of any poor person whose financial circumstances, as made to appear to the court, are such that such advance payment would be unduly burdensome or oppressive, and no advance payment of costs shall in any case be required to be made either by the State of Illinois, the county of Cook, or any municipal corporation or any board of public park commissioners situated in whole or in part within the limits of the city of Chicago. Any expense incurred on an order of court for keeping jurors together shall be paid out of the treasury of the city of Chicago, upon the certificate of the clerk of the municipal court.

§ 57. That the costs in criminal cases and in quasi criminal cases and proceedings in the municipal court instituted in the name or by the authority of the people or in the name of any State or county officer in his official capacity, and the costs in cases of the sixth class, to-wit, proceedings for the prevention of the commission of crimes, proceedings for the arrest, examination, commitment and bail of persons charged with criminal offenses, proceedings pertaining to searches and seizures of personal property by means of search warrants, and in bastardy cases, shall be as follows:

First. The clerk's fees in full for all services rendered by him, other than the making or furnishing of transcripts of the record, shall be the sum of six dollars (\$6.00) in all cases other than proceedings for the arrest, examination, commitment and bail of persons charged with criminal offenses, in which last mentioned proceedings the clerk's fees shall be the sum of fifteen dollars (\$15.00).

Second. The bailiff's fees shall be the same as those which may now or hereafter be fixed by law for the sheriff in counties of the third class for similar services, excepting that no charge shall be made for mileage in the service of any writ.

Third. The clerk's fees for the making and certifying of the transcript of a record, or of any part thereof, shall be the same as those required by law, from time to time, to be paid to the clerk of the criminal court of Cook county for similar services.

Fourth. The fees and mileage of witnesses shall be the same as those allowed by law, from time to time, to witnesses in cases in the criminal court of Cook county.

No advance costs of any kind or character shall be required to be paid in any such criminal or quasi criminal case, but in case of final

judgment being entered against the defendant, all the costs of the suit may, in the discretion of the court, be awarded against him and collected by execution or otherwise, as the court may direct. In cases of the sixth class no costs shall be required to be paid in advance. In proceedings for the prevention of the commission of crimes, when the complaint is not sustained and the court is of the opinion that the prosecution was commenced maliciously without probable cause, judgment may be given against the complainant for the costs of prosecution, but when the person complained of is required to give security to keep the peace or for his good behavior, the court may order that the costs of the prosecution, or any part thereof, shall be paid by such person, who shall stand committed until the costs are paid or he is otherwise legally discharged. In proceedings for the arrest, examination, commitment and bail of persons charged with criminal offenses, where the court finds that an offense has been committed and that there is probable ground to believe the defendant guilty, the clerk shall certify the amount of the costs to the criminal court of Cook county, where, in case of the defendant's indictment and conviction, the same shall be taxed against him as a part of the costs in the cause in which he is so convicted. In proceedings pertaining to searches and seizures of personal property by means of search warrants, the court may, if it appears that there was no probable cause for suing out the warrant, tax the costs against the complainant and award execution against him therefor. In bastardy cases, in case judgment is rendered against the defendant, the costs shall be taxed against him as a part of the costs in such cause, but in case he is acquitted of the charge the costs may be taxed against the complaining witness: *Provided*, that in taxing costs in any criminal or quasi criminal case no fee for the issuance of a warrant shall be included.

All moneys collected upon judgments of the municipal court in the criminal and quasi criminal cases provided for in this section shall be paid to the clerk, who shall, at the end of every three months, apply the same, or so much thereof as may be necessary, to the payment of the uncollected costs, witness fees and mileage excepted, in criminal cases, quasi criminal cases instituted in the municipal court in the name of the people or in the name of any State or county officer in his official capacity, and also the uncollected costs, witness fees and mileage excepted, in cases of the sixth class, and pay over the balance, if any, to the officer entitled by law to receive the same.

§ 58. That the costs in quasi criminal cases in the municipal court instituted in the name of the city of Chicago or in the name of any officer thereof in his official capacity, or in the name of any municipal corporation or any board of public park commissioners situated in whole or in part within the city of Chicago, shall be as follows:

First. The clerk's fees in full for all services rendered by him shall be the sum of six dollars (\$6.00): *Provided, however*, that the court may, in its discretion, order that any part or the whole of the costs in any criminal or quasi criminal case be remitted, in which case the costs so ordered to be remitted shall not be taxed against the defendant.

Second. The bailiff's fees shall be the same as those which may now or hereafter be fixed by law for the sheriff in counties of the third class for similar services, excepting that no charge shall be made for mileage in the service of any writ.

Third. The clerk's fees for the making and certifying of the transcript of a record, or any part thereof, shall be the same as those required by law, from time to time, to be paid to the clerk of the criminal court of Cook county for similar services.

Fourth. The fees and mileage of witnesses shall be the same as those allowed by law, from time to time, to witnesses in cases in the criminal court of Cook county.

No advance costs of any kind or character shall be required to be paid in any such case, but in case of final judgment being entered against the defendant, all the costs of the suit may, in the discretion of the court, be awarded against him and collected by execution or otherwise, as the court may direct.

All monies collected upon judgments of the municipal court in cases included within this section shall be paid to the clerk, who shall, on or before the tenth day of the following month, pay over to the city of Chicago all moneys so collected upon judgments in its favor. All moneys collected upon judgments of the municipal court in cases for the violation of any ordinance, other than an ordinance of the city of Chicago, shall be paid to the clerk, who shall, on or before the tenth day of the following month, pay over the same as follows: All the costs and one-half of all fines and penalties to the city of Chicago and one-half of the fines and penalties to the other municipal corporation or board of public park commissioners, situated in whole or in part within the limits of the city of Chicago, in whose favor such judgment shall have been entered.

§ 59. That the clerk and each deputy clerk shall collect for the acknowledgment and entering of memoranda of chattel mortgages and for the acknowledgment of other written instruments the same fees allowed by law to justices of the peace for similar services, and the fees so collected and all costs collected in each month by the clerk and bailiff shall be paid over by them respectively to the city of Chicago on or before the tenth day of the following month, and the clerk and bailiff shall be held personally responsible for all costs required to be paid to them in advance, as hereinbefore provided, and the clerk shall be personally responsible for all fees required as aforesaid to be collected by him and by each deputy clerk. The clerk and the bailiff shall be required to keep complete and accurate accounts of all moneys collected by them and by their respective deputies, and such accounts shall, under the direction of the chief justice of said municipal court, be examined and audited monthly, the expense thereof to be paid by the city.

§ 60. That the offices of justice of the peace, police magistrates and constables in and for the territory within the city of Chicago be and they are hereby abolished, and that the jurisdiction of justices of the peace in the territory of the county of Cook outside of the city of Chicago be and it is hereby limited to the territory of said county outside of said city, but this section of this Act shall not become operative

until the first Monday of December, A. D. 1906, and on and after said date the jurisdiction hereby conferred upon the municipal court shall exclude the exercise of any portion of such jurisdiction by all other courts excepting courts of record, and on and after said first Monday of December, A. D. 1906, no other court than a court of record shall exercise jurisdiction in any case in which said municipal court is given jurisdiction by this Act.

§ 61. That when the offices of justices of the peace within the city of Chicago shall be abolished the docket of each justice of the peace whose office is thus abolished, and all papers in his possession pertaining to proceedings had before him shall be forthwith delivered up to the clerk of the municipal court, who shall preserve the same in his office kept in the First district, and who shall have as full power and authority to certify to transcripts of such proceedings as such justice of the peace would have had had the office not been abolished. Executions directed to the bailiff of the municipal court or to the sheriff of Cook county may be issued by the clerk of said court upon any unsatisfied judgments rendered by such justice of the peace in all cases in which the same might have been issued had such office of justice of the peace not been abolished, and every such execution shall be a lien upon all the personal property of the defendant subject to execution in Cook county from the time the same is delivered to the bailiff, and the same may be levied upon any such property of the defendant in Cook county. Said municipal court shall allow an appeal to the circuit or superior court of Cook county from any judgment rendered by any justice of the peace within twenty (20) days prior to the first Monday of December, A. D. 1906, upon the giving by the appellant of an appeal bond with security, as now required by law in cases of appeals from justices of the peace: *Provided*, such appeal is prayed at any time within twenty (20) days after the first Monday of December, A. D. 1906. In all cases not determined or finally disposed of by such justice of the peace at the time his office is abolished, such proceedings shall be had in said municipal court as might be had were such suits originally brought in said court, but no trial of any such case shall be had in such court without such notice to the parties thereto as the court may deem necessary. All writs issued by justices of the peace within the city of Chicago and which shall not have been returned on the first Monday of December, A. D. 1906, shall be forthwith returned to the municipal court, and said municipal court shall have full power to make such provision for the execution or other disposition of all such writs as said court may deem proper for the protection of the rights of the respective parties to the suits in which such writs have been issued.

§ 63. That the orders, judgments and decrees of the municipal court in cases of the first class and cases of the second class shall have the same force, be of the same effect, be liens upon real estate in the city of Chicago to the same extent and under the same circumstances, and be executed and enforced in the same manner as the judgments, orders and decrees of the circuit court of Cook county, and such judgments and decrees shall also be liens upon real estate in the county of Cook outside of the city of Chicago, after certified transcripts of the

same shall have been filed in the office of the recorder of Cook county, which transcripts shall contain the names of the parties to the suits, the kinds of actions, the amounts of the judgments or the general nature and effect of the decrees, as the case may be, and the dates on which the judgments and decrees were rendered: *Provided, however,* that no such orders, judgments or decrees shall be liens upon or affect registered land or any estate or interest therein until a certificate under the hand and official seal of the clerk of the municipal court, stating the date and purport of the judgment, decree or order, is filed in the office of the register of titles of said Cook county, and a memorial of the same is entered upon the register of the last certificate of title to be affected. All other judgments of the municipal court shall have the same force, be of the same effect and be executed and enforced in the same manner as the judgments of the circuit court of Cook county. But no such judgment shall be a lien upon the real estate of the person against whom it is obtained, excepting from the time of the filing of a certified transcript thereof in the office of the recorder of Cook county, which transcript shall contain the names of the parties to the suit, the kind of action, the amount of the judgment and the date upon which the same was rendered: *Provided, however,* that no such judgment shall be a lien upon or affect registered land or any estate or interest therein until a certified transcript thereof is filed in the office of the register of titles of Cook county and a memorial of the same is entered upon the register of the last certificate of title to be affected. The recorder of Cook county shall provide and keep in his office for said municipal court well bound books for entering therein an alphabetical docket of all judgments and decrees rendered in said municipal court as is now required by law for docketing judgments and decrees rendered in circuit courts, and shall forthwith, after the filing of any transcript herein provided for, enter the same, together with the hour, day, month and year of the filing of such certified transcript and the general number thereof. In all cases executions issued on judgments of the municipal court, when against the lands and tenements, goods and chattels of the defendants within the city of Chicago, shall be directed to the bailiff, or in case he is disqualified from acting, then to the sheriff of Cook county, and shall be liens upon all the personal property of the defendants situated within the city of Chicago, from the time they are delivered to the bailiff, or to the sheriff, to the same extent as executions issued out of the circuit court of Cook county when delivered to the sheriff, and may be levied upon the property, real or personal of the defendants situated at any place within the city of Chicago, to the same extent as executions issued out of the circuit court of Cook county; but no execution upon a judgment, other than one of the first class or one of the second class, shall be a lien upon the real estate of the defendants, until the same shall be levied thereon and a certificate of such levy filed in the recorder's office of the county in which such real estate is situated, and, in case of registered land or any estate or interest therein, until a certified transcript of the judgment is filed in the office of the register of titles of Cook county and a memorial of the same is entered upon the register of the last certificate of title to be affected. Executions against the lands and

tenements, goods and chattels of the defendants outside of the city of Chicago, shall be directed to the sheriff, or in case he is disqualified from acting, to the coroner of the county in which such lands and tenements, goods and chattels are situated.

§ 64. That any judgment of the municipal court, for the payment of money, when the amount due thereon, exclusive of interest and costs, exceeds twenty-five dollars (\$25), may also be proceeded under in the following manner :

First. At any time within seven years after the entry of such judgment and upon the return wholly or partly unsatisfied of an execution issued thereon, the judgment creditor shall be entitled to a citation requiring the judgment debtor, or any other person whom, or corporation which the judgment creditor may believe to have personal property of the debtor not exempt from execution or garnishment, or to be indebted to said judgment debtor in a sum exceeding the amount exempt by law from garnishment, to attend before the court and be examined under oath concerning such debtor's property at a time and place specified in the citation, or after the issuance of an execution against the lands, tenements, goods and chattels of any judgment debtor, and before the return thereof, upon proof by affidavit to the satisfaction of the court, that there is reasonable ground to believe that the judgment debtor has property in the city of Chicago, which he unjustly refuses to apply towards the satisfaction of the judgment, whether subject to execution or not, citation may issue as above provided.

Second. Where it appears from the examination or testimony taken pursuant to the provisions of this section that the judgment debtor has in his possession or under his control money or other property belonging to him and not exempt from execution, or that money, choses in action, or one or more articles of personal property capable of delivery, and the right of possession of which in said judgment debtor is not substantially disputed, and which are not exempt by law from execution or garnishment, are in the possession or under the control of such other person or corporation, the court may, in its discretion, make an order directing the judgment debtor, or such other person or corporation, immediately to pay the money, assign the chose in action or deliver the articles of personal property to the bailiff of the municipal court to be by him collected or sold at public sale and the proceeds thereof applied towards the satisfaction of said execution and if the amount of money, or the proceeds of such collection or sale shall exceed the amount due upon such execution and the costs accrued thereon, the overplus shall be paid to the said judgment debtor.

Third. Said citation may, in the discretion of the court, require the person or corporation to attend and be examined before one of the masters in chancery of the court, or a special commissioner to be appointed by the court, designated in said citation, and after said examination said master or special commissioner must certify to the court all evidence and other proceedings had before him pursuant to the citation.

Fourth. Upon every examination under this section each answer of the party to the citation or witness examined must be under the oath of such party, or, if such party be a corporation, under the oath of an officer thereof, and the court may, in its discretion, specify the officer.

Either party may be examined as a witness in his own behalf and may produce and examine other witnesses as upon the trial of any action. The court, master or special commissioner may postpone any hearing hereunder from time to time as it may think proper and may issue subpoenas requiring the presence of any witness desired by either party. The court shall have the power to compel the attendance of any party to the citation or witness duly subpoenaed by attachment of the person of such party or witness and the refusal of a party to such citation, or of a witness, to attend or answer proper questions upon the hearing shall be adjudged a contempt of court, and shall be punishable in the discretion of the court by fine or imprisonment in the county jail or house of correction for a period not to exceed six months.

Fifth. The court may tax as costs a fixed sum consisting of witness fees, stenographer's fees, master's or commissioner's fees and other disbursements, and direct the payment thereof out of any money which may come into the hands of the bailiff as a part of the costs of said proceedings.

Sixth. Where the judgment debtor has been examined and property applicable to the payment of the judgment has not been discovered in the course of the proceedings hereunder, the court may fix a sum consisting of witness fees and other disbursements made by said judgment debtor, including stenographer's fees, and the amount so fixed shall, in the discretion of the court, be paid to such judgment debtor, and unless paid within the time fixed by the court an execution shall issue against the judgment creditor and be served and enforced as other executions.

Seventh. Any order made hereunder may be served by delivering a certified or sworn copy thereof to the person against whom the same is made and such service may be made by the bailiff or by any party to the proceedings or by his attorney or agent.

Eighth. All other proceedings hereunder shall be regulated by such rules as may be adopted by a majority of the judges of the municipal court or by the Supreme Court, in accordance with the provisions of this Act.

§ 2. That this Act shall be submitted to a vote of the legal voters of the city of Chicago at the first regular municipal, judicial, general or special election which shall occur in said city of Chicago, after the first day of July, A. D. 1907. The ballots to be used at said election in voting upon this Act shall be in substantially the following form:

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| For consenting to the Act entitled "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905." | |
| Against consenting to the Act entitled "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905." | |

If a majority of the legal voters of said city voting on the question at such election shall vote in favor of consenting to this Act, the same shall thereupon take effect and become operative.

APPROVED June 3, 1907.

SUPERIOR COURT OF COOK COUNTY—ELECTION OF JUDGES.

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| § 1. Time of election and term of office of judges. | § 2. Repeal. |
| | § 3. Emergency. |

(SENATE BILL NO. 58. APPROVED FEBRUARY 16, 1907.)

AN ACT to provide for the election and time of election of judges of the superior court of Cook county.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That each of the sitting judges of the superior court of Cook county shall hold his office until the expiration of the term for which he was elected; and from and after the passage of this Act the twelve (12) judges of the superior court of Cook county shall be elected as follows: Six (6) judges on the Tuesday next after the first Monday in November in the year of our Lord 1910, and every six (6) years thereafter, and four (4) judges on the Tuesday next after the first Monday in November in the year of our Lord 1911, and every six (6) years thereafter, and one (1) judge on the first Tuesday in April, in the year of our Lord 1907, and every six (6) years thereafter, and one (1) judge on the first Monday in June in the year of our Lord 1909, and every six (6) years thereafter.

Each of the judges so elected as herein provided shall enter upon the duties of his office on the first Monday in December next after his election and shall hold office for a term of six (6) years and until his successor is elected and qualified.

§ 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

§ 3. WHEREAS, An emergency exists, therefore this Act shall be in force from and after its passage and approved [approval] by the Governor.

APPROVED February 16, 1907.

SUPREME COURT—APPEALS.

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| § 1. Amends section 5, Act of 1897. | § 5. Provides how and when appeal shall be taken. |
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(HOUSE BILL NO. 240. APPROVED MAY 13, 1907.)

AN ACT to amend section five (5) of an Act entitled "An Act to diminish the number of the judicial divisions of the supreme court, to change the time and places of holding said court, and to regulate the practice in said court," approved April 2, 1897, in force July 1, 1897.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section five (5) of "An Act to diminish the number of the judicial divisions of the supreme court, to change the time and places of holding said court, and to regulate the practice in said court," be amended so as to read as follows:

§ 5. All appeals to the supreme court shall be prayed and allowed at the term at which the judgment, order or decree appealed from is rendered, and not more than twenty (20) days after the date of the entry of such judgment, order or decree. Authenticated copies of records, or judgments, orders and decrees appealed from shall be filed in the office of the clerk of the supreme court on or before twenty (20) days before the first day of the succeeding term of said court: *Provided*, fifty (50) days shall have intervened between the day on which the order allowing such appeal shall have been entered and the first day of such succeeding term of said court. But if less than fifty (50) days shall have intervened as aforesaid, then such copies of record shall be filed on or before twenty (20) days before the first day of the second term succeeding the allowance of said appeal; otherwise the said appeal shall be dismissed. Further time to file such copies of record may be granted by said court or by some justice thereof in term time or vacation upon good cause shown, provided application therefor shall be made before the expiration of the time herein fixed for filing such copies of record.

APPROVED May 13, 1907.

SUPREME COURT—BAILIFF.

§ 1. Amends section 11, Act of 1874.

§ 2. [11]. Bailiff appointed by
supreme court—duties
—salary.

(HOUSE BILL NO. 692. APPROVED MAY 17, 1907.)

AN ACT to amend section eleven (11) of an Act entitled "An Act to revise the law in relation to the supreme court," approved March 23, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eleven (11) of an entitled "An Act to revise the law in relation to the supreme court," approved March 23, 1874, in force July 1, 1874, be and the same is hereby amended to read as follows:

§ 2. [ii.] A bailiff for the supreme court is hereby created, such bailiff to be selected by the supreme court and the duties of such bailiff shall be to attend upon its sittings, and to perform such other duties under the order and direction of the said court as are usually performed by sheriffs of courts. The salary of such bailiff is hereby fixed in the sum of twelve hundred dollars (\$1,200.00) per year, payable monthly, such salary to be paid out of any moneys in the treasury not otherwise appropriated, upon bills of particulars, signed by any one of the justices of the supreme court

APPROVED May 17, 1907.

CRIMINAL CODE.

ANIMALS—TRANSPORTATION REGULATED.

§ 1. Amends section 51, division I, Act of 1874.

§ 51. Animals in car over 36 consecutive hours—delays—care—penalty.

(SENATE BILL NO. 502. APPROVED MAY 17, 1907.)

AN ACT to amend section 51 of division I of an Act entitled "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 51 of division I of an Act entitled "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

§ 51. No railroad or other common carrier in the carrying or transportation of any cattle, sheep, swine or other animals shall allow the same to be confined in any car more than thirty-six consecutive hours, unless delayed by storm or accident, when they shall be so fed and watered as soon after the expiration of such time as may reasonably be done. When so unloaded they shall be properly fed, watered and sheltered during such rest by the owner, consignee or person in custody thereof, and in case of their default, then by the railroad company transporting them, at the expense of said owner, consignee or person in custody of the same; and such company shall have a lien upon the animals until the same is paid. A violation of this section shall subject the offender to a fine of not less than \$3 nor more than \$200.

APPROVED MAY 17, 1907.

BADGES OR EMBLEMS OF G. A. R., ETC.—UNLAWFUL USE.

§ 1. Unlawful use of certain badges or emblems.

§ 2. Penalty.

§ 3. Repeal.

(SENATE BILL NO. 370. APPROVED MAY 20, 1907.)

AN ACT in relation to wearing the badge or emblems of the Grand Army of the Republic, the United Spanish War Veterans Association, or the Army of the Philippines, to provide a penalty for a violation thereof, and to repeal a certain Act therein named.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person to wear the badge or emblems of the Grand Army of the Republic, The United Spanish War Veterans Association or the Army of the Philippines, to obtain aid or assistance thereby from any person, unless he shall have been honorably discharged and be entitled to wear or use the same under the rules and regulations of the Grand Army

of the Republic, The United Spanish War Veterans Association, or the Army of the Philippines respectively.

§ 2. Any person convicted of a violation of any of the provisions of section one of this Act shall be deemed by the court guilty of a misdemeanor, and shall be fined in any sum not less than ten dollars and not more than two hundred dollars.

§ 3. An Act entitled "An Act to make it unlawful to wear the badge or emblems of the Grand Army of the Republic, or to use the same to obtain aid or assistance thereby from any person and to provide a penalty for the violation thereof," approved June 17, 1891, in force July 1, 1891, is hereby repealed.

APPROVED May 20, 1907.

CIGARETTES.

§ 1. Unlawful to manufacture, sell or give away, etc.—penalty.

§ 2. Smoking in public, etc.—penalty.

§ 3. Penalty for furnishing, etc.

(SENATE BILL NO. 32. APPROVED JUNE 3, 1907.)

AN ACT to regulate the manufacture, use and sale of cigarettes in the State of Illinois.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person who shall manufacture, sell or give away any cigarette containing any substance deleterious to health, including tobacco, shall be punished by a fine not exceeding one hundred dollars (\$100), or by imprisonment in the county jail for a period not to exceed thirty (30) days.

§ 2. Every person under the age of eighteen (18) years and over the age of seven years, who shall smoke or use cigarettes, on any public road, street, alley or park or other lands used for public purposes, or in any public place of business or amusement, shall be guilty of a misdemeanor and punished for each offense by a fine of not more than ten dollars (\$10).

§ 3. That every person who shall furnish any cigarettes in any form to any such person, or who shall permit any such person to frequent the premises owned by him for the purpose of indulging in the use of cigarettes, in any form, shall be guilty of a misdemeanor and punished by a fine not exceeding fifty dollars (\$50.00) for the first offense, and not exceeding one hundred dollars (\$100) for the second and every additional offense, or imprisonment in the county jail for a period not exceeding thirty (30) days for each offense.

APPROVED June 3, 1907.

CRIMES AGAINST CHILDREN.

- § 1. Crimes against children defined—penalty. | § 2. Emergency.

(HOUSE BILL No. 805. APPROVED MAY 17, 1907.)

AN ACT to define and punish crimes against children.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person of the age of seventeen years and upwards who shall take, or attempt to take, any immoral, improper or indecent liberties with any child of either sex, under the age of fifteen years, with the intent of arousing, appealing to or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child, or who shall commit, or attempt to commit, any lewd or lascivious act upon or with the body, or any part or member thereof, of such child, with the intent of arousing, appealing to or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child, or any such person who shall take any such child or shall entice, allure or persuade any such child, to any place whatever for the purpose either of taking any such immoral, improper or indecent liberties with such child. with said intent, or of committing any such lewd or lascivious act upon or with the body, or any part or member thereof, of such child with said intent, shall be imprisoned in the penitentiary not less than one year nor more than twenty years: *Provided*, that this Act shall not apply to offenses constituting the crime of sodomy or other infamous crimes against nature, incest, rape or seduction.

§ 2. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage and its approval by the Governor.

APPROVED May 17, 1907.

DRAMATIC COMPOSITION.

- § 1. Unauthorized performance or representation—penalty.

(SENATE BILL No. 190. APPROVED JUNE 1, 1907.)

AN ACT prohibiting the unauthorized performance or representation of any unpublished or undedicated dramatic composition or dramatic musical composition and penalty for the same.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person who causes to be publicly performed or represented any unpublished or undedicated dramatic composition or dramatic musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished or undedicated, and without the consent of its owner or proprietor, permits, aids or takes part in such a performance or representation, or who know-

ingly sells a copy or a substantial copy of any unpublished, undedicated or copyrighted dramatic composition or musical or dramatic musical composition, known as an opera, without the consent of the author or proprietor of such dramatical or dramatic musical composition shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00), or imprisoned for not less than thirty (30) days or more than three (3) months, or both such fine and imprisonment.

APPROVED June 1, 1907.

EMBALMING FLUIDS.

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| <p>§ 1. Arsenic or strychnine in fluid indicated by label.</p> <p>§ 2. Prohibits embalming with preparation containing arsenic or strychnine.</p> | <p>§ 3. Penalty.</p> |
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(SENATE BILL No 232. APPROVED MAY 20, 1907.)

AN ACT to regulate the manufacture, sale, use or disposal of embalming fluids, containing arsenic or strychnine and providing for a penalty for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person, firm, corporation or co-partnership shall manufacture, give away, sell, expose for sale or deliver any embalming fluid or other fluid of whatsoever name, to be used for or intended for use in the embalming of dead human bodies, which contains arsenic or strychnine, without having the words "Arsenic contained herein" or "Strychnine contained herein" (as the case may be) written or printed upon a label pasted on the bottle, cask, flask or carboy in which said fluid shall be contained.

§ 2. No undertaker or other person shall embalm with, inject into, or place upon, any dead human body, any fluid or preparation of any kind which contains arsenic or strychnine.

§ 3. Any person, firm, corporation or co-partnership who shall violate any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00).

APPROVED May 21, 1907.

PARIS GREEN.

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| <p>§ 1. Printed label or statement as to quality, weight, etc.—standard prescribed.</p> | <p>§ 2. Penalty.</p> <p>§ 3. State's attorney to prosecute.</p> |
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(SENATE BILL No. 196. APPROVED APRIL 22, 1907.)

AN ACT to regulate the sale of Paris green.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every lot or parcel of Paris green sold, or offered or exposed for sale, within the State shall have affixed thereto in a conspicuous place a printed label bearing the words, "High grade, for insecticide purposes," or the words, "Not for in-

secticide purposes," and every package labeled as of high grade for insecticide purposes shall have affixed thereto a plainly printed statement, clearly and truly certifying the name, brand or trade-mark under which the article is sold, the name and address of the manufacturer, importer or dealer, the net weight of the package and the percentage of arsenic in combination with copper which the Paris green in said package contains. If the Paris green is sold in bulk for insecticide purposes, or if it is put up in packages and sold at retail to the purchaser, the agent or dealer shall furnish the purchaser with the label and statement described in this section, and it shall be unlawful to sell, or to offer or expose for sale as of high grade for insecticide purposes any Paris green which does not contain arsenic in combination with copper equivalent to at least fifty (50) per cent of arsenious trioxide, or which contains arsenic in water-soluble forms equivalent to more than three and one-half ($3\frac{1}{2}$) per cent, of arsenious trioxide.

§ 2. Any manufacturer, importer, agent or other person selling, offering, or exposing for sale, any Paris green without the label required by section one of this Act, or selling, offering, or exposing for sale as of high grade for insecticide purposes, any Paris green without the printed statement required by section one of this Act, or with a label stating that the said Paris green contains substantially a larger percentage of arsenic in combination with copper than is actually present therein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense.

§ 3. It shall be the duty of the State's attorney of each county to prosecute the person or persons violating any provisions of this Act.

APPROVED April 22, 1907.

TICKETS TO THEATRES, ETC.—1.

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| § 1. Price printed on tickets. | § 4. Owner not to lease premises for unlawful sale. |
| § 2. Violation made misdemeanor. | § 5. Penalties. |
| § 3. Agency rates no greater than box office. | |

(SENATE BILL NO. 111. APPROVED APRIL 22, 1907.)

AN ACT to prohibit the sale of tickets for more than the price printed thereon, for theatres, circuses and places of amusement, and declaring same a misdemeanor, and fixing the penalties therefor.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of owners, lessees and managers of any theatre, circus, place of public entertainment or amusement to have printed on all tickets issued for admission thereto or for seats of such theatre, circus, place of public entertainment or amusement, in conspicuous type, the price of such ticket, and the following words: This ticket can not be resold for more than the price printed hereon.

§ 2. That any person or persons, firm or corporation, owning, occupying, managing or controlling any building, room, park or en-

closure for the sale of tickets for theatres, circuses or places of public entertainment or amusement a price in excess of that received from any person or persons for the same privilege or in excess of the advertised or printed rate therefor, who shall ask, demand or receive from any person or persons for the sale of such ticket or tickets to a theatre, circus or place of public entertainment or amusement, or any person, firm or corporation who by themselves, or by any agent or employé offers for sale upon any public place or thoroughfare, any such ticket or tickets to a theatre, circus or place of public entertainment or amusement for admission thereto, or for a seat or other privilege therein at a price in excess of that received from any other person or persons for the same privilege, or in excess of the advertised or printed rate therefor shall be deemed guilty of a misdemeanor.

§ 3. It shall be unlawful for any person, persons, firm or corporation to establish an agency or sub-office for the sale of seat tickets of admission to a theatre, circus or place of public entertainment or amusement, at a price greater than that asked therefor at the box office of such theatre, circus, place of public entertainment or amusement, or in excess of the advertised price or printed rate therefor.

§ 4. That the owner, lessee or occupant of any building, room enclosure or other place, who permits any person, persons, firm or corporation to sell or exhibit for sale, in said building, room or enclosure, or other place, any ticket or tickets for a theatre, circus or place of public entertainment or amusement, for more than the advertised price or the price printed thereon, shall be deemed guilty of a misdemeanor.

§ 5. Any person, persons, firm or corporation violating any of the provisions of this Act shall upon conviction be fined in a sum not less than \$50.00 nor more than \$200.00, or confined in the county jail not less than thirty days nor more than six months, or both, in the discretion of the court.

APPROVED April 22, 1907.

TICKETS TO THEATRES, ETC.—2.

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| § 1. Price printed on tickets. | § 4. Owner not to lease premises for unlawful sale. |
| § 2. Violation made misdemeanor. | § 5. Penalties. |
| § 3. Agency rates no greater than box office. | § 6. Repeal. |

(SENATE BILL No. 535. APPROVED JUNE 4, 1907.)

AN ACT to prohibit the sale of tickets for more than the price printed thereon, for theatres, circuses and places of amusement, and declaring same a misdemeanor, and fixing the penalties therefor, and to repeal a certain Act herein named.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of owners, lessees and managers of any theatre, circus, place of public entertainment or amusement to have printed on all tickets issued for admission

thereto or for seats of such theatre, circus, place of public entertainment or amusement, in conspicuous type, the price of such ticket, and the following words: This ticket can not be resold for more than the price printed hereon.

§ 2. That any person or persons, firm or corporation, owning, occupying, managing or controlling any building, room, park or enclosure for the sale of tickets for theatres, circuses or places of public entertainment or amusement, who shall ask, demand or receive from any person or persons for the sale of such ticket or tickets to a theatre, circus or place of public entertainment or amusement, a price in excess of that received from any person or persons for the same privilege, or in excess of the advertised or printed rate therefor, or any person, firm or corporation who by themselves, or by any agent or employé offers for sale upon any public place or thoroughfare, any such ticket or tickets to a theatre, circus, or place of public entertainment or amusement, for admission thereto, or for a seat or other privilege therein, at a price in excess of that received from any other person or persons for the same privilege, or in excess of the advertised or printed rate therefor, shall be deemed guilty of a misdemeanor.

§ 3. It shall be unlawful for any person, persons, firm or corporation to establish an agency or sub-office for the sale of seat tickets of admission to a theatre, circus or place of public entertainment or amusement, at a price greater than that asked therefor at the box office of such theatre, circus, place of public entertainment or amusement, or in excess of the advertised price or printed rate therefor.

§ 4. That the owner, lessee or occupant of any building, room, enclosure or other place open to the public, who permits any person, persons, firm or corporation to sell or exhibit for sale in said building, room or enclosure, or other place open to the public, any ticket for theatre, circuses or place of public entertainment or amusement, for more than the price printed thereon, shall be equally liable as principal.

§ 5. Any person, persons, firm or corporation violating any of the provisions of this Act shall, upon conviction, be fined in a sum not less than \$50.00 nor more than \$200.00, or confined in the county jail not less than thirty days nor more than six months, or both, in the discretion of the court.

§ 6. That an Act entitled "An Act to prohibit the sale of tickets for more than the price printed thereon, for theatres, circuses, and places of amusement, and declaring same a misdemeanor, and fixing the penalties therefor," approved April 22, 1907, be, and the same is hereby repealed.

APPROVED June 4, 1907.

VAGABONDS.

§ 1. Amends section 271, Act of 1874.

§ 271. Provides for arrest and punishment of vagabonds.

(SENATE BILL NO. 293. APPROVED MAY 24, 1907.)

AN ACT to amend section 271 of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1876, [1874], as amended by an Act approved April 27, 1877, in force July 1, 1877, entitled, "An Act to amend an Act entitled, 'An Act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 271 of "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, as amended by an Act entitled, "An Act to amend an Act to revise the law in relation to criminal jurisprudence," approved April 27, 1877, in force July 1, 1877, be amended to read as follows:

§271. It shall be the duty of the sheriff, bailiff of the municipal court of Chicago, constable, city marshal and police officers of any county, town, village, city or other municipality in this State, to arrest, upon warrant, and bring before the nearest justice of the peace or police magistrate, or, if within the city of Chicago, before the municipal court of Chicago, any such vagabond, wherever he may be found, for the purpose of examination; and if he pleads guilty, or if he be found guilty, either by the verdict of a jury or by the finding of the said justice of the peace, police magistrate, or municipal court, where a jury trial is waived, the said justice of the peace, police magistrate or municipal court may sentence the said vagabond to imprisonment at hard labor upon the streets or highways, or in the jail, calaboose or other buildings used for penal purpose [purposes] of the county, town, village, city or other municipality in which such vagabond was convicted; or to the house of correction of any city having a contract with such county for the care of prisoners, for a term of not less than ten (10) days and not exceeding six months, in the discretion of the said justice of the peace, police magistrate or municipal court; or the said justice of the peace, police magistrate or municipal court may sentence the said vagabond to pay a fine of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) and costs of suit; and in default of the immediate payment of said fine and costs so imposed, said vagabond shall thereupon be sentenced by said justice of the peace, police magistrate or municipal court to imprisonment at hard labor in said jail, calaboose, or other building used for penal purposes, or in said house of correction, or on the streets or public highways until said fine and costs are worked out at the rate of \$1.50 per day for each day's work, or until said fine and costs shall have been otherwise paid, or until said vagabond is discharged according to law.

APPROVED May 24, 1907.

WRITS OF ERROR—SUPERSEDEAS AND LETTING TO BAIL.

§ 1. Amends sections 5 and 6, division 15, Act of 1874.

§ 5. Supersedeas—how issued.

§ 6. Letting to bail.

(HOUSE BILL NO. 97. APPROVED MAY 25, 1907.)

AN ACT entitled "*An Act to amend sections 5 and 6 of division 15 of an Act entitled 'An Act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874, in force July 1, 1874.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 5 and 6 of division 15 of an Act entitled, "*An Act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874, in force July 1, 1874, be and the same are hereby amended to read as follows:

§ 5. If, after inspecting the transcript, the court or judge is of the opinion that there is reasonable cause for allowing a writ of error, and shall also be of the opinion that there is a reasonable doubt as to the guilt of the defendant, or that there is serious or prejudicial error in the record, it shall be granted, by endorsement on the back of the transcript, with a direction that the same be made a *supersedeas*, and *supersedeas* shall issue in like manner and in like effect as in cases where the sentence is death.

§ 6. When the court or judge is of the opinion that there is reasonable cause for believing that the judgment will be reversed, or that the judgment will be reversed and remanded, and the offense is one for which the party accused was entitled to bail before conviction, it shall be the duty of the court or judge to make an order to admit such prisoner to bail upon his entering into a recognizance to the People of the State of Illinois, in such sum and with such security as said court or judge shall prescribe conditioned that the prisoner will appear at the next term of the court in which his trial took place, and at each subsequent term of said court, on the first days thereof, until the determination of such writ of error, and will not at any of the terms of said court depart the court without leave, and that in case the judgment is affirmed he will surrender himself to the sheriff, or warden, or other officer from whose custody he is bailed.

APPROVED May 25, 1907.

DRAINAGE.

DRAINAGE COMMISSIONERS—ELECTIONS, OFFICERS. VACANCY.

§ 1. Amends section 15a, Act of 1885.

§ 2. Emergency.

§ 15a. As amended, provides for
an election to fill va-
cancy.

(HOUSE BILL NO. 221. APPROVED FEBRUARY 27, 1907.)

AN ACT to amend section 15a of an Act entitled, "An Act to provide for drainage for agricultural and sanitary purposes, and to repeal certain Acts therein named," approved June 27, 1885, in force July 1, 1885, as amended by Act approved June 21, 1895, in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 15a of an Act entitled, "An Act to provide for drainage for agricultural and sanitary purposes, and to repeal certain Acts therein named," approved June 27, 1885, in force July 1, 1885, as amended by Act approved June 21, 1895, in force July 1, 1895, be amended so as to read as follows:

§ 15a. Upon the organization of any drainage district as provided in section 15 of this Act, the duties and obligations of the commissioners of highways, as said drainage commissioners of such district shall cease as soon as drainage commissioners shall have been elected and qualified as herein provided. It shall be the duty of the town clerk to call an election in each district in his township, including the new districts organized during the previous year, by giving ten (10) days' notice that an election will be held (specifying time and place), said notices shall be posted in three (3) conspicuous places in said districts. Elections shall be held in the several drainage districts organized under this Act on the second Saturday in March of each year, between the hours of 2:00 and 6:00 o'clock p. m.

At the first election in each district there shall be elected three (3) commissioners, one for one year, one for two years, and one for three years, and annually thereafter, one drainage commissioner shall be elected who shall hold his office three years, and until his successor is elected and qualified. Every adult owner of land in the district, whether residing within or without the district, shall be a voter, and if a resident of the county in which the district or any part thereof lies, eligible to the office of drainage commissioner. Said elections shall be conducted after the manner provided by law governing school elections. Commissioners of highways shall act as judges and clerk of the first election held in any district; thereafter the drainage commissioners shall act as judges and clerk of elections in their respective districts. If said commissioners be not present, it shall be competent for the electors present to select judges and clerk of said election. Returns of said election shall be made to the town clerk, who shall record the same in a book kept for that purpose. Said commissioners shall take the oath of

office before some officer authorized to administer oaths. Said commissioners shall be known by the corporate name of drainage commissioners of.....district No.....of the town of.....county of.....State of Illinois, and by that name shall be a body politic and corporate, and may sue and be sued, plead and be impleaded, contract and be contracted with, and shall be the corporate authority of their respective districts. Before entering upon their duties as herein provided, the drainage commissioners shall take and subscribe an oath substantially as follows, viz:

We, drainage commissioners of drainage district No., do solemnly swear (or affirm) that we will faithfully and impartially perform the duties required of us to the best of our understanding and judgment and make assessment of damages and benefits (or benefits as the case may be), in favor of or against the land in said district, according to law.

When a vacancy occurs amongst the drainage commissioners, elected under this Act, it shall be the duty of the surviving commissioner or commissioners to call an election to fill the vacancy. The commissioners shall give not less than ten (10) days' notice of the time when and place where the election will be held, and the ballot shall state that the commissioner or commissioners are being elected to fill a vacancy.

§ 2. WHEREAS, There are now vacancies among the commissioners in drainage districts in the State incorporated under this Act, and there is no provision in the Act for the filling of such vacancies, therefore an emergency exists, and this Act shall be in force from and after its passage.

APPROVED February 27, 1907.

DRAINS, DITCHES AND LEVEES.

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| § 1. Amends sections 2, 4, 13, 16, 17, 17½, 19, 20, 21, 22, 37 and 58. repeals section 25 and adds section 75, Act of 1879. | § 19. Correction of assessment. |
| § 2. Petition organizing drainage districts. | § 20. Hearing objections—corrections. |
| § 4. Jurisdiction of county court. | § 21. Proceedings on hearing. |
| § 13. Filing of report—notice of confirmation. | § 22. Confirmation and approval. |
| § 16. Order of confirmation—record—organization. | § 37. Suits—money used under direction of court. |
| § 17. Right-of-way—damages. | § 58. Assessing lands benefited outside of district—proceedings. |
| § 17½. Assessment for repairs—costs. | § 75. Districts formed by mutual agreement—commissioners. |
| § 18. Assessment for benefits—costs. | [§ 2] § 76. Repeal—rights saved. |
| | [§ 3] § 77. Emergency. |

[SENATE BILL NO. 304. APPROVED MAY 20, 1907.]

AN ACT to amend sections two (2), four (4), thirteen (13), sixteen (16), seventeen (17), seventeen and one-half (17 1-2), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), thirty-seven (37), and

fifty-eight (58), and to repeal sections twenty-five (25) of an Act entitled "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by certain Acts herein entitled and to repeal certain laws therein named, approved June 30, 1885, in force July 1, 1885, as amended by an Act approved June 4, 1889, in force July 1, 1889, as amended by Act of June 23, 1895, in force July 1, 1895, as amended by Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by Act approved May 14, 1903, in force July 1, 1903, and to add one new section to be known as section seventy-five."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections two (2), four (4), thirteen (13), sixteen (16), seventeen (17), seventeen and one-half (17½), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), thirty-seven (37), and fifty-eight (58), and to repeal section twenty-five (25) of an Act entitled "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by certain Acts therein entitled, and to repeal certain laws therein named, approved June 30, 1885, in force July 1, 1885, as amended by Act approved June 4, 1889, in force July 1, 1889, as amended by Act of June 24, 1895, in force July 1, 1895, as amended by Act approved May 10, 1901, in force July 1, 1901, as amended by Act approved May 11, 1901, in force July 1, 1901, as amended by Act approved May 14, 1903, in force July 1, 1903, and to add one new section to be known as section seventy-five, to be amended to read as follows:*

§ 2. Whenever a majority of the owners of lands within a district proposed to be organized, who shall have arrived at lawful age and who represent one-third (1-3) in area of the land to be reclaimed or benefited, or whenever one-third (1-3) of the owners of lands within a district proposed to be organized, who shall have arrived at lawful age and who represent a major portion in area of the lands to be reclaimed or benefited, desire to construct a drain or drains, ditch or ditches, levee or levees, or other work to be known in this Act as a "drainage and levee district;" or "drainage and levee work," across the lands of others, for agricultural, sanitary or mining purposes, or to maintain and keep in repair any such drain or drains, ditch or ditches, levee or levees, heretofore constructed under any law of this State, or to establish in said district the combined system of drainage or protection from overflow, independent of levees, for agricultural, sanitary or mining purposes and maintain the same by special assessments upon the property benefited thereby, such owners may file, in the county court of any county in which the greater part of the lands to be affected by such drain or drains, ditch or ditches, levee or levees, or other work proposed to be constructed, maintained or repaired shall lie, a petition signed by

the requisite number of land owners owning the required area as in this section provided within said district proposed to be organized as aforesaid, setting forth the proposed name of the said drainage district, the necessity of the same, with a description of the proposed starting points, route and terminus of the work and a general description of the lands proposed to be affected, with the names of the owners, when known, and, if the purpose of said owners is the repair and maintenance of a ditch or ditches, levee or levees, or other work, heretofore constructed under any law of this State, said petition shall give a general description of the same, with the particulars as may be deemed important and may pray for the organization of a drainage district, by the name and boundaries proposed, and for the appointment of commissioners for the execution of such proposed work according to the provisions of this Act: *Provided*, that the lands embraced in such drainage districts shall be liable for any and all damages which may be sustained by any lands laying [lying] above such drainage district by the construction of any levee, ditch or drain in such district under this Act, and the commissioners of any drainage district, composed of lands lying next below any other drainage district organized entirely in one county as aforesaid shall have the power to cause the lands lying in such district to be assessed in the manner prescribed by this Act for the assessments of benefits to pay all such damages to the lands lying in such lower district, and to pay any and all increased costs and expenses of constructing any levee, ditch or drain in such lower district which may be necessary to carry off waters flowing from the higher district, and such lower district shall have the power to connect its levees, ditches or drains with the levees, ditches or drains of such higher district and such higher district shall have power to connect its levees, ditches or drains with the levees, ditches or drains of such lower district.

§ 4. The county court in which said petition shall be filed may hear the petition at any probate or common law term, and may determine all matters pertaining thereto, and all subsequent proceedings of the district when organized under this Act, and may adjourn the hearing from time to time, or continue the case for want of sufficient notice, or other good cause. The court, upon application of the petitioners, shall permit the petition, affidavit and orders to be amended, and no petitioner shall have the right to withdraw from said petition, except by the consent of the majority of the other petitioners thereon, or where it shall be shown to the satisfaction of the court that the signature of the petitioner was obtained by fraud or misrepresentation.

§ 13. Upon the report of the commissioners being filed with the clerk of the court appointing such commissioners, he shall cause three (3) weeks' notice to be given, addressed "To all persons interested," in the same manner as it is provided in section three (3) of the Act hereby amended, which notice shall state the time of filing said report, that a plat and description of the work laid off and proposed to be constructed, is on file in the office of the clerk of said court; a description of the additional lands, if any, recommended by the commissioners to be embraced in the proposed district, together with the names of the owners thereof, and the names of the owners of all lands proposed to be taken or dam-

aged by the work of said district, and upon what day application will be made for the confirmation of such report, which notice shall have the effect of bringing into court all persons interested in the lands of said district, including all persons interested in the additional lands, if any, recommended by the commissioners to be embraced in the proposed district, and no other notice need be given in any subsequent proceeding unless specifically required by the Act hereby amended, at which time all persons may appear and contest the confirmation thereof or show that additional drains, ditches or other work should be constructed, or that the report ought to be modified in any particular, and may offer any competent evidence in support thereof, and the said report of said commissioners shall be *prima facie* evidence of the facts therein set forth.

§ 16. If, after hearing all objections, if any, to the report of the commissioners, and all applications, if any, to annex other lands to the proposed district, and the court finds that a drainage or levee district should be organized, the plat of the same shall be recorded, and an order be made according to the findings of the court, substantially as follows:

County Court of.....county.....term, A. D. 19... ..
In the matter of the petition of (here insert names of the petitioners) this day the report of.....commissioners heretofore appointed by this court to examine the lands of the petitioners for the purposes specified in the petition filed in this cause, having been filed, and it appearing to the court that due notice has been given to all persons interested, for the length of time and in the manner required by law, of the application of this court for the confirmation of said report, and the court having duly examined said report, and considered all objections to the same, it is ordered by the court that the report of said commissioners, (or if said report has been modified by the court as modified by the court), be and the same is hereby confirmed; and the court further finds that the work proposed in said petition to be done will be useful for agriculture, sanitary or mining purposes to the owners of the land within said proposed district, and the court also finds that the persons who have signed said petition are of lawful age, and are a majority of the land owners, representing one-third in area of the land, or one-third of the land owners owning a major portion, as the case may be, of the land to be affected by such proposed work. And the court further finds that said drainage district of the corporate name mentioned in said petition, viz.:.....bounded as follows:..... is duly established as provided by law.

.....County Judge.

And upon entering such order of record, said district is hereby declared by law to be organized as a drainage district by the name mentioned in the petition; and with the boundaries fixed by the order confirming the report of the said commissioners, and said district is hereby declared to be a body politic and corporate, by the name mentioned in said order of court, with the right to sue and be sued, and to have perpetual possession [succession] and may adopt and use the corporate seal; and the commissioners appointed as aforesaid and their successors in office shall, from the entry of such order of confirmation, constitute

the corporate authorities of such drainage district, and shall exercise the functions conferred upon them by law.

And the legal existence of said district shall not be attacked in any collateral proceeding, or any assessment of benefits, or damages, in any manner except by *quo warranto* at any time after the entry of such order organizing such districts.

§ 17. After the order provided for in the foregoing section shall have been signed, the court shall direct the commissioners to proceed to secure by agreement with the owners, if possible, the right-of-way of the proposed ditches, drains, levees or other work, within said district, and agree upon damages to be paid to the owner or owners of land which will be damaged in any manner other than by the taking for right-of-way, should there be any such damages over and above benefits, and make a report to the court of the amount agreed upon for right-of-way taken, and the damage agreed upon for lands not taken, if any, for its approval. And if, upon the making of such report, there are owners of lands whose lands are sought to be taken or damaged for the purposes above mentioned, whose damages can not be agreed upon, or in case the owner of the property is incapable of consenting, or his name or residence is unknown, or he is a non-resident of the State, the court shall direct said commissioners to cause to be condemned and assessed, said damages, under the provisions of the eminent domain laws of the State, entitled "An Act to provide for the exercise of the right of eminent domain, approved April 10, 1872, in force July 1, 1872." After said damages have been agreed upon and approved by the court, or condemned as aforesaid, the commissioners shall be sworn to faithfully and impartially make an assessment of the benefits to the lands embraced in said proposed district, and against which no damages have been allowed. They shall go upon such lands in said district and examine the same, and to the best of their ability and judgment ascertain the benefits which will be sustained by, or which will accrue to the lands affected by said proposed work and shall make out an assessment roll in which shall be set down in proper columns the names of the owners, when known, a description of the premises affected, in words or figures, or both, as shall be most convenient, the number of acres in each tract, and the amount of benefits which each tract will receive.

§ 17½. But in case "drainage and levee work" is proposed by the petition, the amount assessed for keeping said levee or ditch in repair, shall not in the aggregate amount to a sum in any one year, greater than would be produced by thirty cents per acre on all the lands within said district. In case the petition shall set out that a levee or ditch has been made under any law of this State and prays for an assessment to repair and keep in repair said levee or ditch, the commissioners shall assess the benefits which said lands will sustain by repairing said levee or ditches, and also the "annual amount" of benefits which said lands will sustain by keeping said levee, or ditch in repair thereafter; and in such case no other or different assessment shall be made by the commissioners, but in all other respects the commissioners shall comply with the provisions of this Act, so far as the same may be applicable thereto: *Provided*, that in all cases where the amount of benefits assessed, and the assess-

ments of benefits to repair said levees or ditches, drains or levees embraced in the proceedings, the "annual amount of benefits" assessed by the commissioners to keep said levee or ditch in repair, making all necessary repairs for any year, may be applied to complete the ditches, drains or levees embraced in the proceedings, and to raising, strengthening and protecting said ditches, drains or levees, when required to protect the lands embraced in the drainage and levee districts organized under this Act from inundation and overflow, and in paying interest on any other notes or bonds issued under this Act.

§ 18. In making such assessment the commissioners shall assess the benefits in favor of and against each tract separately in the proportion in which such tract of land will be benefited, and in no case shall any tract of land be assessed for benefits in a greater amount than its proportionate share of the estimated cost of the work and the expenses of the proceeding, nor in a greater amount than it will be benefited by the proposed work, according to the best judgment of the commissioners; and when the commissioners are directed to make any additional assessment of benefits for the purpose of making assessments in favor of or against any one or more tracts, as the case may be, in any district, said commissioners may consider any prior assessments against any lands which are void and unpaid by reason of some omission [omission], clerical error, mistake or for want of proper notice to the owners thereof, or on account of other irregularity of proceedings in affecting the merits of said prior assessment, and may include the same or any part thereof, with such other assessments.

§ 19. When the commissioners shall have completed their assessment of benefits, they shall fix the time and place when and where they will attend before the same court in which the petition was filed, at a time fixed within any term for the correction of their assessment, and the clerk of the county court shall give at least ten days' previous notice of such time and place and object of meeting by posting and publishing notices in the manner required in section 3 of the Act to which this Act is an amendment; the affidavit of any credible person or persons that he or they have posted said notices as herein required, and the certificate of such newspaper as to said publication, shall be sufficient evidence of such facts.

§ 20. The commissioners shall appear at the time and place appointed, and shall hear the objections that may be made by the owners of any lands which have been assessed for benefits against any tract of land, and shall make such corrections as shall seem to them just and equitable.

§ 21. Such hearing, if the proceedings are in the county court, shall be in open court, and the judge of said court shall preside; and the case shall proceed to a hearing the same as in appealed cases from justice of the peace in such courts. At the hearing the respective parties shall be allowed to introduce all proper evidence, and may be heard, either in person or by counsel. After such hearing the commissioners shall retire for the consideration of such objections, and shall make such amend-

ments and corrections to such assessment roll as to them shall seem just and equitable from the law and the evidence in the case, including the personal view of the lands made by them.

§ 22. If no objections shall be made to the assessment at the time and place appointed to hear objections, or if objections shall be made only to a portion of such assessment the commissioners shall pass upon and make such corrections as they think just and equitable and confirm the said roll, which shall be certified to by the commissioners, who shall return the same into court before which said petition was filed, within ten days from such confirmation, and thereupon such assessment shall be approved by the court, and spread upon the records thereof, and no appeal shall be allowed therefrom.

§ 37. Said commissioners may use money arising from the collection of assessments, or coming into their hands, as such commissioners, for the purpose of compromising suits and controversies arising under the Act, and in the employment of all necessary agents and attorneys, in organizing said district, and for conducting other proceedings, in law or in equity, for the same, and for the purpose of constructing or repairing or maintaining any ditch, ditches, drains, levee or levees within said district, or outside of said district, necessary to the protection of the lands and complete drainage of the same within said district: *Provided*, that the commissioners shall use such money under the direction or approval of the court; and assessments from time to time may be levied on the land within any district when it shall appear to the court that the previous assessment or assessments have been expended or are inadequate to complete such work, or are necessary for maintenance or repair, or when it shall become necessary for the construction of additional work, or the completion of any work already commenced within any drainage district to insure the protection or drainage of the lands in said district, under the direction and order of the court, on a petition of the majority of the land owners within said district who are of lawful age and represent at least one-third in area of such lands, or on the petition of the commissioners, accompanied by an itemized statement of accounts made by the commissioners under oath, showing the moneys received by the district and the manner in which they have been expended, together with the plats and profiles of such additional work and estimated cost of the same; two weeks' previous notice of the time set for the hearing of said petition in the manner required by section 3 of this Act having been given. Upon the hearing of such petition the court may grant the prayer of the same; and with like proceedings and notice as near as may be as in cases of original assessments of damages and benefits under this Act, and such additional assessment or assessments, when made, shall have the same force and effect and be collected in the same manner as original assessments: *Provided*, that when the right of way of the proposed ditches, drains, levees or other work within any district, has been released by the owners of the lands, or has been condemned according to law, over which said work or works are about to be located or when the owners of the lands in such district about to be assessed, agree thereto, the court may cause the assessment to be made by a jury, or may order the commissioners of said district to

make the assessment of benefit or benefits and damages, in lieu of a jury, and all the proceedings required of a jury in such case by this Act, shall be required of and observed by the commissioners, as near as may be in making such assessments.

§ 58. Any land lying outside of the drainage district as organized, the owner or owners of which shall thereafter make connection with the main ditch or drain or with any ditch or drain within the district as organized or whose lands are or will be benefited by the work of such district, shall be deemed to have made voluntary application to be included in such drainage district; and thereupon the commissioners shall make complaint in writing, setting forth a description of such land or lands, benefited, and amount of benefits; the name of the owner or owners thereof, also, a description of the drain or ditch making connection with the ditches of such district, as near as may be, and file said complaint in the county court or before a justice of the peace. The court or justice of the peace shall fix a day, not less than fifteen days from such filing, when he will hear such complaint, and thereupon the commissioners shall give ten days' notice thereof in writing; said notice shall embrace a copy of such complaint, and service thereof shall be by reading or delivering a copy thereof to such owner or owners, or by either publishing a copy of said petition or posting copies thereof within the territory sought to be annexed in the same manner as provided by section three of said Act; and affidavit of such service shall be evidence thereof. At the time fixed, or at a time continued from such time fixed, the court or justice of the peace, shall hear said cause, and if the complaint is before a justice of the peace and judgment is rendered in favor of said district, he shall record a copy of said complaint, and service of notice thereof together with his judgment thereon upon his docket, and if the district was organized before the county court, he shall transmit a certified copy of such complaint and judgment to the clerk of such court who shall file and record the same, or if the complaint was heard by the county court, in which such district was organized and judgment given in favor of said district, a record of such judgment giving a description of such lands annexed shall be made, and such lands described in the complaint in either case, shall be deemed a part of such district and shall be assessed as other lands therein. The assessments of benefits against such lands so added to said district, may be made at any time the commissioners may deem proper; and the assessment roll thereof shall be filed and recorded and proceedings thereon had as in other cases; or such lands may be assessed when all lands throughout the district are assessed.

§ 75. Owners of lands which require combined drainage and protection from overflow, may form drainage and levee districts, by mutual agreement, to include lands, of their own only, by an instrument in writing duly signed and acknowledged and recorded in the drainage record. The mutual agreement may include the location and character of work to be done; the adjustment of damages; the classification; the amount of taxes to be levied; how the work shall be done, or so much of these, or more, as may be agreed upon, and to this extent shall be as valid as though formed in the mode as hereinbefore provided, and may ask the judge of the county court to appoint three commissioners whose

powers and duties thereafter shall be the same as prescribed by other districts, and they shall commence acting at the point reached at the aforesaid agreement: *Provided*, that the said agreement may include the selection of three drainage commissioners from their own number or from others, and their terms of office shall be until the first Monday of September thereafter, or for this term and for one year in addition, as may be agreed at the time of their appointment, and at the annual meeting thereafter the majority of the land owners may choose, by ballot, three commissioners to serve, one for one year, one for two years and one for three years from the date of appointment, and on the first Monday of each year thereafter the land owners may elect one commissioner of said district who shall hold his office for three years and until his successor is chosen and qualified. The powers and duties of the commissioners of a district by mutual agreement, and the mode and effect of special assessments, shall be the same as provided for other districts organized under this Act, and all the powers, rights and benefits of every kind given to drainage districts organized by petition to the county court shall be had by drainage districts organized by mutual agreement, and districts organized by mutual agreement may do as fully all work mutually agreed upon, as though surveys, plats and profiles, etc., were made and filed in said matter, and contracts for work to be done in said district may be let in parts, or the whole of said work may be let in one contract as is provided in this Act, as seems to be for the best interest of the parties concerned.

[§ 2.] § 76. And be it further enacted, that section 25 of said Act be and the same is hereby repealed; saving and reserving, however, any rights that may have heretofore accrued thereunder.

[§ 3.] § 77. WHEREAS, Owing to the uncertain condition of the law of this State, on the subject of assessing benefits and damages, either by jury or by the commissioners, an emergency exists, therefore this Act shall be in force from and after its passage.

APPROVED May 20, 1907.

INTEREST ON INSTALLMENTS.

§ 1. Amends section 31, Act of 1879.

§ 31. Interest on installments—
use for construction or
maintenance authorized.

(HOUSE BILL NO. 460. APPROVED MAY 25, 1907.)

AN ACT to amend section 31 of an Act entitled, "*An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes and to provide for the organization of drainage districts,*" approved and in force May 29, 1879; as said section 31 was amended by an Act approved June 30, 1885, and in force July 1, 1885, entitled, "*An Act to revise and amend an Act and certain sections thereof for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,*" approved and in force May 29, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 31 of an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes and to provide for the organization of drainage districts," approved and in force May 29, 1879, as said section 31 was amended by an Act approved June 30, 1885, and in force July 1, 1885, entitled, "An Act to revise and amend an Act and certain sections thereof for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, be and the same is hereby amended to read as follows:

§ 31. In case the assessments for benefits shall be payable in installments, such installments shall draw interest at six per cent per annum, payable annually, from the time of confirmation of the assessment roll until they are paid, and such interest may be collected and enforced as part of the assessment: *Provided*, that in any district where no bonds or interest-bearing obligations, at the time of such collection of interest shall have been issued or are outstanding against such installments of assessment upon which said interest shall be collected, the commissioners of such district may, under the direction of the county court, use the money, so collected as interest, for the construction or maintenance of any ditches, drains or levees or other work or any necessary expenses of said district or any indebtedness of said district.

APPROVED May 25, 1907.

PUMPING PLANTS.

§ 1. Amends section 1, Act of 1905.

§ 1. Assessment of 60 cents per acre annually allowed for maintenance and repairs.

(HOUSE BILL NO. 23. APPROVED MAY 20, 1907.)

AN ACT to amend section one of an Act entitled, "An Act to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts and to legalize and validate former proceedings, bond issues, indebtedness and expenditures in regard to, on account of, or with a view to erection, maintenance and operation of such pumping plants," approved and in force May 13, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an Act entitled, "An Act to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts and to legalize and validate former proceedings, bond issues, indebtedness and expenditures in regard to, on account of, or with a view to erection, maintenance and operation of such pumping plants," approved and in force May 13, 1905, be amended to read as follows:

§ 1. That whenever the drainage commissioners of any drainage and levee districts hereto fore or hereafter organized under an Act entitled, "An Act to revise and amend an Act and certain sections thereof, entitled, 'An Act to provide for the construction, reparation and protection of drains, ditches and levees, across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1899, as amended by certain Acts herein entitled, to repeal certain laws therein named, approved June 30, 1885, in force July 1, 1885, shall deem it necessary for the disposidion [disposition] of the surface water, seepage or rainfall in such districts, that one or more pumping plants be erected, maintained and operated, they may, with the approval thereof by the county court of the county in which the district or any part of the district is located, out of the funds raised, or to be raised, by special assessments on the lands of such district, and as a part of the drainage and levee work of the district, erect, maintain and operate one or more such pumping plants in such district, and for the purpose of maintaining and operating such plants, together with the necessary repairs of the drains, ditches and levee of the district, as shown by the report of the commissioners made each year to the July term of the court as now provided by law, the court may approve and order such amount thereof as may be shown to be necessary to be collected as an assessment upon the lands of the district for the current year, which amount shall not require a rate of more than 60c upon each acre of all the lands of the district for such year.

APPROVED May 20, 1907.

SANITARY DISTRICTS—ACT OF 1889 REVISED.

§ 1. Amends sections 4, 8, 9, 11, 12 and 19 and adds 19a to Act of 1889.

§ 4. Trustees constitute a board—duties and powers—ordinances—veto, etc.

§ 8. Purchase and sale of real estate.

§ 9. Borrow money—bonds—limitations.

§ 11. Contracts—how let.

§ 12. Levy and collection of taxes—movable bridges.

§ 19. Liability of sanitary district for damages.

§ 19a. Judge, justice or juror.

(HOUSE BILL NO. 245. APPROVED MAY 25, 1907.)

AN ACT to amend sections four (4), eight (8), nine (9), eleven (11), (12) and nineteen (19) of "An Act to create sanitary districts and to remove obstructions in the Des Plaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889; as amended by an Act approved May 13, 1897, in force July 1, 1897, as amended by an Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 11, 1905, in force July 1, 1905; and adding section 19a thereto.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section four (4), section eight (8), section (9), section (11), section twelve (12) and section nineteen (19) of an Act entitled, "An Act to create sanitary districts

and remove obstructions in the Des Plaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, as amended by An Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 11, 1905, in force July 1, 1905, be amended so as to read as hereinafter set forth, and that section 19a be added thereto.

§ 4. The trustees elected in pursuance of the foregoing provisions of this Act shall constitute a board of trustees for the district by which they are elected, which board of trustees is hereby declared to be the corporate authorities of such sanitary district, and shall exercise all the powers and manage and control all the affairs and property of such district. Said board of trustees shall have the right to elect a clerk, treasurer, chief engineer and attorney for such municipality, who shall hold their respective offices during the pleasure of the board, who shall give bond as may be required by said board. Said board may prescribe the duties and fix the compensation of all the officers and employes of said sanitary district: *Provided, however,* that the salary of the president of said board of trustees shall in no case exceed the sum of four thousand dollars per annum and the salary of the other members of the board shall not exceed three thousand dollars per annum. Said board of trustees shall have full power to pass all necessary ordinances, orders, rules, resolutions and regulations for the proper management and conduct of the business of said board of trustees and of said corporation and for carrying into effect the object for which such sanitary district is formed. All ordinances, orders, rules, resolutions and regulations passed by said board of trustees shall, before they take effect, be approved by the president of said board of trustees, and if he shall approve thereof, he shall sign the same, and such as he shall not approve he shall return to the board of trustees with his objections thereto in writing at the next regular meeting of said board of trustees occurring after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto extends to a part of such ordinance, the residue thereof shall take effect and be in force, but in case the president of such board of trustees shall fail to return any ordinance, order, rule, resolution or regulation with his objections thereto by the time aforesaid, he shall be deemed to have approved the same, and the same shall take effect accordingly. Upon the return of any ordinance, order, rule, resolution or regulation by the president, the vote by which the same was passed shall be reconsidered by the board of trustees, and if upon such reconsideration two-thirds of all the members elect shall agree by yeas and nays to pass the same it shall go into effect notwithstanding the president may refuse to approve thereof.

§ 8. Such sanitary district may acquire by purchase, condemnation or otherwise any and all real and personal property, right of way and privilege, either within or without its corporate limits, that may be required for its corporate purposes: *Provided,* all moneys for the purchase and condemnation of any property shall be paid before possession is taken, or any work done on the premises damaged by the construction of such channel or outlet, and in case of an appeal from the court in which such condemnation proceedings shall be pending, taken

by either party, whereby the amount of damages is not finally determined, the amount of the judgment in such court shall be deposited with the county treasurer of the county in which such judgment shall be rendered subject to the payment of such damages on orders signed by such judge whenever the amount of damages is finally determined; and when not longer required for such purposes, to sell, convey, vacate and release the same, subject to the reservation contained in section 7 relating to water-power and docks.

§ 9. The corporation may borrow money for corporate purposes, and may issue bonds therefor, but shall not become indebted in any manner, or for any purpose, to an amount in the aggregate to exceed five (5) per centum of the valuation of taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness.

§ 11. All contracts for work to be done by such municipality, the expense of which will exceed five hundred dollars, shall be let to the lowest responsible bidder therefor upon not less than ten days' public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper of general circulation published in said district, and the said board shall have the power and authority to reject any and all bids and readvertise: *Provided*, no person shall be employed on said work unless he be a citizen of the United States, or has in good faith declared his intention to become such citizen. In all cases where an alien, after filing his declaration of intention to become a citizen of the United States, shall for the space of three months after he could lawfully do so, fail to take out his final papers and complete his citizenship, such failure shall be *prima facie* evidence that his declaration of intentions was not made in good faith. And that eight hours shall constitute a day's work.

§ 12. The board of trustees may levy and collect taxes for corporate purposes upon property within the territorial limits of such sanitary district, the aggregate amount of which in any one year shall not exceed one per centum of the value of the taxable property within the corporate limits as the same shall be assessed and equalized for the county taxes for the year in which the levy is made. Said board shall cause the amount to be raised by taxation in each year, to be certified to the county clerk on or before the second Tuesday in August as provided in section one hundred and twenty-two of the general revenue law. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officer collecting the same to the treasurer of the sanitary district, in the manner and at the time provided by the general revenue law: *Provided*, that no part of the taxes hereby authorized shall be used by such drainage district for the construction of permanent, fixed, immovable bridges across any channel constructed under the provisions of this Act: *And, provided, further*, that all bridges built across such channel shall not necessarily interfere with or obstruct the navigation of such channel, when the same becomes a navigable stream, as provided in section 24 of this Act, but such bridges shall be so constructed that they can be raised, swung, or moved out of the way

of vessels, tugs, boats, or other water craft navigating such channel: *And, provided, further,* that nothing in this Act shall be so construed as to compel said district to maintain or operate said bridges, as movable bridges, for a period of nine years from and after the time when the water has been turned into said channel pursuant to law, unless the needs of general navigation on the Des Plaines and Illinois rivers, when connected by said channel, sooner require it.

§ 19. Every sanitary district shall be liable for all damage to real estate within or without such district which shall be overflowed or otherwise damaged by reason of the construction, enlargement or use of any channel, ditch, drain, outlet or other improvement under the provisions of this Act; and actions to recover such damages may be brought in the county where such real estate is situated, or in the county where such sanitary district is located, at the option of the party claiming to be injured. And in case judgment is rendered against such district for damage, the plaintiff shall also recover his reasonable attorneys' fees to be taxed as costs of suit: *Provided, however,* it shall appear on the hearing of plaintiff's motion to tax such attorney's fees, that the plaintiff notified the trustees of such district in writing, at least 60 days before suit was commenced by leaving a copy of such notice with some one of the trustees of such district, stating that he claims damages to the amount of dollars by reason of (here insert the cause of damage) and intends to sue for the same: *And, provided, further,* that the amount recovered shall be larger than the amount offered by said trustees (if anything) as a compromise for damages sustained.

§ 19a. No person shall be an incompetent judge, justice or juror by reason of his being an inhabitant or freeholder in any sanitary district formed under the provisions hereof in any action in which such sanitary district may be a party in interest.

APPROVED May 25, 1907.

SANITARY DISTRICTS—ELECTION OF TRUSTEES.

§ 1. Amends section 3, Act of 1889.

§ 2. Emergency.

§ 3. Election of trustees—vacancies filled by appointment.

(SENATE BILL NO. 83. APPROVED FEBRUARY 27, 1907.)

AN ACT to amend section three (3) of an Act entitled, "An Act to create sanitary districts and to remove obstructions in the Des Plaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, as amended by an Act approved May 11, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three (3) of an Act entitled, "An Act to create sanitary districts and to remove obstruc-

tions in the Des Plaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889; as amended by an Act approved May 11, 1905, in force July 1, 1905, be amended so as to read as follows:

§ 3. In each sanitary district organized under this Act, there shall be elected at the November election 1905, nine trustees, three of which trustees shall hold their office for a term of one year, three for a term of three years, and three for a term of five years, and until their successors shall be elected and qualified.

At every regular county election occurring after the year 1905, there shall be elected three trustees who shall hold their office for six years, and until their successors shall be elected and qualified, to succeed those whose terms of office shall expire that year. In all elections for trustees each elector may vote for as many candidates as there are trustees to be elected, but no elector may give to such candidates more than one vote, it being the intent and purpose of this Act to prohibit cumulative voting in the selection of members of the board of trustees of the sanitary district.

Each elector in such sanitary district may vote for and designate (upon his ballot cast for trustees for said sanitary district) one of the candidates for trustees to be president of said board and the person so designated who shall receive the highest number of such votes shall be declared elected president of such board. The person so elected president of such board at the November election of 1905 shall hold office for a term of five (5) years and until his successor shall be elected and qualified. When a vacancy shall occur in the office of president of such board, the board of trustees shall elect one of their number, who shall perform the duties of president until such vacancy shall be filled by an election. When a vacancy shall occur in the office of trustees of any sanitary district organized under the provisions hereof within one year before the expiration of the term of such vacant office, the vacancy shall be filled by appointment by the board of trustees of such sanitary district, but if such unexpired term exceeds one year, the Governor shall appoint the time for an election to fill such vacancy, and shall file a notice of such time with the county clerk of each of the counties in which [such] sanitary district shall be situated.

Such sanitary district shall from the time of the first election held by it under this Act be construed in law and equity a body corporate and politic, and by the name and style of the sanitary district of, and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal and alter the same at pleasure.

§ 2. WHEREAS, An emergency exists, this Act shall take effect and be in force from and after its passage.

APPROVED February 27, 1907.

SANITARY DISTRICTS IN CERTAIN LOCALITIES.

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| <p>§ 1. How incorporated—name and description in petition.</p> <p>§ 2. Judges to constitute board of commissioners—time and place for hearing.</p> <p>§ 3. Submission of proposition—notice—canvass—record.</p> <p>§ 4. Election of corporate authorities.</p> <p>§ 5. Trustees—number—term—cumulative voting—president.</p> <p>§ 6. Corporate powers defined.</p> <p>§ 7. Duties of board—officers—compensation—bond.</p> <p>§ 8. Certified copy record of organization filed with recorder.</p> <p>§ 9. Powers of board.</p> <p>§ 10. Ordinances, etc., to be approved by president—veto—reconsideration.</p> <p>§ 11. Ordinances—publication—when effective.</p> <p>§ 12. Proof of ordinances, etc.</p> <p>§ 13. Levees—embankments—improvements—repairs.</p> | <p>§ 14. Drains—outlets—change of water course—jurisdiction outside district.</p> <p>§ 15. Acquisition of property by purchase or condemnation—appeals.</p> <p>§ 16. Bond issue—limitation.</p> <p>§ 17. Levy, extension and collection of taxes.</p> <p>§ 18. Compensation for damages—how paid.</p> <p>§ 19. Rights on public property.</p> <p>§ 20. Rights on railroad property, etc.</p> <p>§ 21. Elevation of railroad tracks, etc.</p> <p>§ 22. Bridges, crossings, etc., over public property.</p> <p>§ 23. Letting contracts—conditions.</p> <p>§ 24. Compensation to drainage districts.</p> <p>§ 25. Police and police powers.</p> <p>§ 26. Office to be established.</p> <p>§ 27. Reports to county judge.</p> <p>§ 28. Construction of Act.</p> |
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(HOUSE BILL NO. 783. APPROVED MAY 17, 1907.)

AN ACT to create sanitary districts in certain localities and to drain and protect the same from overflow for sanitary purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any area of contiguous territory within the limits of two counties, having within its limits two or more incorporated cities or villages, and an aggregate population of not less than twenty-five thousand inhabitants, shall be so situate as to be subject to overflow from any river or tributary thereof, and the maintenance of one or more levees for the protection of the same against such overflow, and of a new or improved outlet for the drainage thereof, will conduce to the preservation of the public health and safety, the same may be incorporated as a sanitary district, in the manner following: Any three hundred legal voters resident within the limits of such proposed district, may petition the county judge of the county in which the majority of such petitioners reside, to cause the question to be submitted to the legal voters of said proposed district, whether they will organize as a sanitary district under this Act. Such petition shall contain the name of such proposed sanitary district, and a definite description of the territory intended to be embraced therein: *Provided*, no territory shall be included within more than one sanitary district under this Act.

§ 2. Upon the filing of such petition in the office of the county clerk of said county it shall be the duty of said county judge to call to his assistance one circuit judge, and the county judge of the other county, in which such territory is situate, and said judges shall constitute a

board of commissioners, and shall have power and authority to consider the boundaries of such proposed district, whether the same shall be described in said petition or otherwise. Four weeks' notice shall be given by said county judge of the time and place where such commissioners will meet, by publication in one or more newspapers published in each of said counties. At such meeting said county judge shall preside, and all persons in the proposed sanitary district shall have an opportunity to be heard touching the location and boundary of such proposed district; and after hearing such evidence and suggestions as may be offered, such commissioners, or a majority of them shall fix and determine the limits and boundaries of said proposed district, and for that purpose, and to that extent, may alter and amend such petition.

§ 3. Upon such determination, said county judge shall call an election and submit to the legal voters of said proposed sanitary district the question of the organization and establishment thereof, as determined by said commissioners, or a majority of them. Four weeks' notice of such election shall be given by said commissioners, in like manner as is provided in the preceding section, which notice shall state briefly the purpose of such election, and contain a description of the proposed district. Each legal voter residing within the proposed sanitary district shall have the right to cast a vote at such election, with the words thereon: "For Sanitary District" or "Against Sanitary District," as he may elect. The ballots so cast shall be received, canvassed and returned in the same manner and by the same officers as provided by law in the case of ballots cast for county officers: *Provided*, that the returns of such election shall be made to the county clerk of the county in which the petition for the organization of said sanitary district is filed, and the votes shall be canvassed by said county judge, and any two justices of the peace whom he shall call to his assistance, and the result of said election shall be entered upon the records of said county court. If a majority of the votes cast upon the question of the incorporation of the proposed sanitary district shall be in favor of the same, the inhabitants thereof shall be deemed to have accepted the provisions of this Act, and the same shall thenceforth be deemed an organized sanitary district under this Act, with the name stated in the petition.

§ 4. Upon the organization of such sanitary district, said county judge shall call an election to elect the corporate authorities thereof, and cause notice of the same to be posted or published, and perform all other acts with reference to such election, in like manner as nearly as may be, as he is required to perform under the laws of this State, in reference to the election of officers in newly organized cities.

§ 5. There shall be elected five trustees, who shall constitute a board of trustees for such district, and who shall hold office for three years, and until their successors are elected and qualified, except that the term of office of the first trustees shall be for three years after the first Monday in December following their election. The election of trustees after the first, shall be held on the Tuesday next after the first Monday in November in every three years. In all elections for trustees, each qualified voter may vote for as many candidates as there are trus-

tees to be elected, or may distribute his vote among not less than three-fifths of the candidates to be elected, giving to each of the candidates among whom he distributes his vote, the same number of votes or fractional parts of votes. The trustees shall choose one of their number as president.

§ 6. Such sanitary district shall be held in law and equity a body incorporated [corporate], and politic, under the name and style of sanitary district, and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers in this Act conferred. All courts of this State shall take judicial notice of the existence of sanitary districts organized hereunder.

§ 7. The board of trustees, and its successors in office, shall constitute the corporate authority of such sanitary district, and shall exercise all powers and manage and control all the affairs and property of such district. Said board of trustees shall have the right to elect a clerk, treasurer, engineer and attorney for such municipality, who shall hold their respective offices during the pleasure of the board, and who shall give such bonds as may be required by said board. The board may prescribe the duties and fix the compensation of all the officers and employés of said district: *Provided, however,* that the salary of the president of said board of trustees shall in no case exceed the sum of \$2,000.00 per annum, and the salary of the other members of the board shall not exceed \$1,000.00 per annum: *And, provided, further,* that [the] amount received by any attorney shall not exceed the sum of \$2,500.00 per annum. Each trustee shall, before entering upon the duties of his office, execute a bond with security to be approved by the county judge, payable to the district, in the penal sum of ten thousand dollars (\$10,000.00), conditioned upon the faithful performance of the duties of his office, which bond shall be filed with and preserved by the county clerk.

§ 8. The board of trustees of said sanitary district shall, within three months after its organization hereunder, cause to be filed in the office of the recorder of deeds in each county in which said district is situated, a certified copy of the record of the county court, in the matter of such organization, showing the name and boundaries of said district, the canvass of the votes, and the result of the election, whereby said district became so organized, and the recorder of said deeds shall record the same.

§ 9. Said board of trustees shall have full power to pass all necessary ordinances, and make all orders, rules and regulations for the proper management and conduct of the business of said board of trustees, and of said municipality, and for carrying into effect the objects for which said sanitary district is formed.

§ 10. All ordinances, orders, rules, resolutions and regulations shall, before taking effect, be passed upon by the president of the board of trustees. Such as he shall approve, he shall sign, and such as he shall not approve, he shall return to the board of trustees, with his

objections thereto in writing, at its next regular meeting after the passage thereof. The president's veto may extend to any one or more items or appropriations contained in any ordinance, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the remainder shall take effect and be in force; but in case the president shall fail to return any ordinance, order, rule, resolution or regulation with his objections thereto by the time aforesaid, he shall be deemed to have approved the same, and such ordinance shall take effect accordingly. Upon the return of any unapproved ordinance, order, rule, resolution or regulation, the vote by which the same was passed shall be reconsidered by the board of trustees, and if upon such reconsideration, two-thirds of all the members elect shall agree by yeas and nays to pass the same, it shall go into effect, notwithstanding the president's refusal to approve thereof.

§ 11. All ordinances making any appropriations, shall within one month after they have been passed, be published at least once in a newspaper published in such district, in each of the counties in which the same is situate; and no such ordinance shall take effect until ten days after it is so published. All other ordinances, orders and resolutions shall become effective from and after their passage, unless otherwise provided therein.

§ 12. All ordinances, orders and resolutions, and the date of publication thereof, may be proven by the certificate of the clerk under the seal of the corporation, and when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees, such book or pamphlet shall be received as evidence of the passage and legal publication thereof, as of the dates mentioned therein, in all courts and places, without further proof.

§ 13. The board of trustees shall have power to lay out, locate, establish and construct one or more levees or embankments of such size, material and character as may be required to protect said district against overflow from any river, or tributary, stream, or water-course, and to lay out, establish and construct all such other or additional improvements or works as may be auxiliary or incidental thereto, or promotive of the sanitary purposes contemplated in this Act; and shall have power thereafter to maintain, repair, change, enlarge and add to such levees, embankments, improvements and work as may be necessary or proper to meet future requirements for the accomplishment of the purposes aforesaid.

§ 14. The board of trustees shall have power to lay out, locate, establish and construct one or more drains, ditches, channels or outlets of such capacity and character as may be required for the carrying off and disposing of the swamp, stagnant or overflow waters, and other drainage of such district, and to lay out, establish and construct all such adjunct or auxiliary improvements or works as may be necessary or proper for the accomplishment of the sanitary purposes intended; and to such end the board of trustees shall have power to straighten, enlarge, divert or change the location, course or outlet of any stream or water course, or divide the waters thereof, or any part thereof, by

means of new channels, ditches or otherwise, and to do any and all things by them deemed necessary and proper in the furtherance of said purposes and shall have power thereafter to maintain, repair, change, enlarge and add to such drains, ditches, channels, outlets and other improvements and work, as may be necessary or proper to meet the future requirements for the purposes aforesaid, and when necessary for such purposes, any such work may extend beyond the limits of such district, and the rights and powers of said board of trustees over any stream or water course, or work thereon, lying outside such district, shall to this extent, be the same as within said district: *Provided*, no taxes shall be levied upon any property outside of such district: *And, provided, further*, that the district shall be liable for all damages sustained by any real estate situated beyond its limits in consequence of any work or improvement authorized hereunder.

§ 15. Such sanitary district may acquire by purchase, condemnation or otherwise, any and all real and personal property, rights of way and privileges, either within or without its corporate limits, required for its corporate purposes: *Provided*, all moneys for the purchase or condemnation of any property, shall be paid before possession is taken, or any work done on the premises damaged by the construction of any levee, outlet or other work, and in case of an appeal by either party from any judgment whereby the amount of damages is not finally determined, the amount of the judgment appealed from shall be deposited with the county treasurer of said county, subject to the payment of such damages, on orders signed by the judge of such court, whenever the amount of damages is finally determined, and when no longer required for such purposes, to sell, convey, or otherwise dispose of any of said properties.

§ 16. Said board of trustees may borrow money for corporate purposes on the credit of the corporation, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate to exceed five per centum (5%) of the value of the taxable property in said district, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal thereof, within twenty years after contracting the same.

§ 17. The board of trustees shall have power to levy and collect taxes for corporate purposes. Such taxes shall be levied by ordinance specifying the purposes for which the same are required, and a certified copy of said ordinance shall be filed with the county clerk of the county in which said district was organized, on or before the second Tuesday in August, as provided in section 122 of the general revenue law. Said board shall at the same time also ascertain and certify to such county clerk, the total amount of all taxable property lying within the corporate limits of such district in said county, as the same is assessed and

equalized for State and county purposes, for the current year; and it shall be the duty of said clerk to ascertain the rate per cent which, upon the total valuation of all such property, ascertained as aforesaid, would produce a net amount not less than the amount so directed to be levied; and said clerk shall, without delay, certify under his hand and seal of office to the county clerk of such other county, in which a portion of said district is situate, such rate per cent; and it shall be the duty of such county clerk to whom such rate per cent is certified, to extend said tax in a separate column upon the books of the collector or collectors of the State and county taxes for such county, against all property in his county within the limits of said district. All taxes so levied and certified shall be collected and enforced in the same manner, and by the same officers as State and county taxes, and shall be paid over by the officers collecting the same, to the treasurer of the sanitary district, in the manner and at the time provided by the general revenue law. The aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of bonded indebtedness and interest thereon, shall not exceed the rate of two per centum upon the aggregate valuation of all property within such district, subject to taxation therein, as the same was equalized for State and county taxes for the current year: *Provided*, that an amount not exceeding an additional three per centum of such valuation may be levied and collected hereunder, if the question of making such additional levy shall have been previously submitted to the legal voters of said district upon not less than three weeks' notice, published as provided in section II hereof, and a majority of the votes cast shall be in favor thereof.

§ 18. Whenever it shall be necessary to take or damage private property for right of way or other purposes, for or in connection with any improvement or work authorized by this Act, such sanitary district may cause compensation therefor to be ascertained, and acquire the same, in the manner provided in an Act entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, and amendments thereto: *Provided*, all such proceedings shall be instituted in the county where the property sought to be taken or damaged, is situate, and all damages or compensation, whether determined by agreement or final judgment of court, shall be paid out of the annual district tax, prior to the payment of any other debt or obligation.

§ 19. Whenever it shall be necessary for or in connection with any improvement or work authorized by this Act, to enter upon any public property, or property held for any public use, or acquire any easement or rights therein, such sanitary district shall have the power so to do, and when necessary for such purpose may avail itself of any eminent domain laws of this State, and may enter upon, use, widen, elevate, and improve any street, highway, wharf, levee, or other property, necessary in furtherance of said purposes: *Provided*, the former use of any such public property, or property devoted to public use, shall not be unnecessarily interrupted or interfered with.

§ 20. Whenever it shall be necessary to take or use, for any of the purposes contemplated in this Act, any portion of any railroad right of way, or property occupied by the track or tracks of any steam, electric, or other railroad company, or any street, highway, wharf, levee or other property, in the operation or use of which the public has an interest, only such easement, use or rights therein shall be acquired as are necessary for the purposes intended; and so far as practicable the use of any such street, highway, wharf, levee, right of way, or property, shall remain in and be reserved to the public, company, or persons otherwise entitled thereto.

§ 21. When necessary for or in connection with any of the purposes authorized by this Act, the board of trustees may require and compel any steam, electric or other railroad company to raise its tracks to conform to the grade of any levee, or other work intersecting or crossing the same, which may, at any time, be established by such sanitary district, and where such tracks run lengthwise upon or along the line of any such improvement, to require and compel such railroad companies to elevate the same to the surface thereof. Also to require and compel any such railroad companies to maintain and keep open and in repair, ditches, drains, sewers and culverts, along and under their tracks, so that filth or stagnant pools of water shall not stand upon their right of way and grounds, and so that the drainage of adjacent property shall not be impeded or interfered with.

§ 22. In case any levee, ditch or other improvement authorized by this Act shall cross, intersect or extend upon or along any street or highway, or other public ground, such bridges, crossings, approaches or other work as may be necessary to restore the public use of such street, highway or public ground, or conform the same to the changes made by such improvements, shall be made, and the cost thereof borne by the city, village or township owning or interested therein.

§ 23. All contracts for work to be done by such sanitary district, the cost of which will exceed five hundred dollars, shall be let to the lowest responsible bidder therefor, upon not less than six weeks' public notice of the terms and conditions upon which the contract is to be let, by publication in the manner provided in section 11 of this Act, and said board of trustees shall have the power to reject any and all bids and re-advertise: *Provided*, no person shall be employed on said work except citizens of the United States, or those who in good faith have declared their intention to become such citizens, and eight hours shall constitute a day's work upon any such work.

§ 24. In case any sanitary district organized hereunder shall include within its limits, in whole or in part, any drainage district or districts organized under the laws of this State having levees, drains or ditches which are conducive to sanitary purposes, such drainage district or districts shall have paid and re-imbursed to it or them, upon such terms as may be agreed upon by its or their corporate authorities and the board of trustees of said sanitary district, the reasonable cost or value of such levee, drains or ditches, which valuation shall in no case be fixed at less than any unpaid indebtedness incurred by such

district or districts in constructing the same. Upon such payment being made, the sanitary district shall have the right to appropriate and use such levees, drains or ditches, or any part thereof, as it may desire, for or in connection with any improvements authorized by this Act, and for or in connection with the purposes for which said sanitary district is organized: *Provided*, no such levee, drain or ditch shall be destroyed, removed or otherwise so used as to impair its usefulness for the purposes for which the same was constructed, without the consent of the corporate authorities of such drainage district. In case the board of trustees of said sanitary district and the corporate authorities of any such drainage district shall be unable to agree upon the compensation to be paid or reimbursed to such drainage district, the same may be ascertained and enforced by any proper proceeding in any court of competent jurisdiction.

§ 25. The board of trustees shall have power to appoint and maintain from time to time, such police force as it may find necessary for the protection of any levee, ditch or other improvement authorized by this Act, or otherwise in furtherance of the purposes for which such district is organized. The members of such police force shall have and exercise like police powers to those conferred upon the police of cities: *Provided*, that such police, when acting within any city or village, shall be subject to the direction of the police officers of such city or village.

§ 26. The board of trustees shall have and maintain an office at some convenient place within said district, where all the books and papers pertaining to the affairs of said corporation shall be open at reasonable times to the inspection of any tax payer or other person interested.

§ 27. Said board, its clerk and treasurer, shall submit to the county judge of the county in which said district is organized, annually, between the 1st and 10th days of April, or oftener if required by said county judge, verified reports, showing all moneys received and the manner in which the same may have been expended. Three weeks' notice of the filing of such report shall be given by publication in like manner as provided in section II of this Act, and any person interested may appear and object to the approval of the same, in whole or in part, and the county judge shall make such orders in reference thereto as shall be just.

§ 28. The provisions of this Act shall never be construed as authorizing any levee or drainage system for agricultural or mining purposes, but shall be liberally construed for the prevention of overflows and drainage of lands for sanitary purposes, within any sanitary district organized hereunder: *Provided*, nothing herein contained shall be held to constitute a contract between the State and any municipal corporation organized hereunder, or to prevent the alteration, amendment or repeal of this Act, or any amendment thereof, at any time hereafter.

APPROVED May 17, 1907.

DRAM SHOPS.

ANTI-SALOON TERRITORY.

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| <p>§ 1. Words and phrases defined.</p> <p>§ 2. Petition—where and when filed—number of signers.</p> <p>§ 3. Provisions operative 30 days after day of election.</p> <p>§ 4. Form of petition—how signed—sworn statement—filing—revocation of signature—fee for certified copy—perjury—forgery—penalties.</p> <p>§ 5. Notice of election—publication.</p> <p>§ 6. Form of ballot—canvass—watchers.</p> <p>§ 7. Record of result.</p> <p>§ 8. Anti-saloon territory defined—conflicting ordinances suspended.</p> <p>§ 9. Continuation or abolition of anti-saloon territory—submission of proposition—separate ballot in districts.</p> <p>§ 10. What constitutes bar to submission of proposition.</p> | <p>§ 11. Unlawful to sell or issue license to sell intoxicating liquor.</p> <p>§ 12. Penalties.</p> <p>§ 13. Unlawful selling defined.</p> <p>§ 14. Place where liquor is sold declared common nuisance and may be abated—penalties.</p> <p>§ 15. Offenses and penalties.</p> <p>§ 16. Where offenses may be prosecuted.</p> <p>§ 17. Manner and form of prosecutions—prima facie evidence.</p> <p>§ 18. Record of sale of liquor by druggists—refunding portion of license fee—when sales by manufacturer exempt.</p> <p>§ 19. Petition for contest of election—procedure.</p> |
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(SENATE BILL NO. 504. APPROVED MAY 16, 1907.)

AN ACT to provide for the creation by popular vote of anti-saloon territory within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited and for the abolition by like means of territory so created.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The words and phrases mentioned in this section as used in this Act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows:

“Anti-saloon territory” shall mean all territory within the limits of any town, precinct, city or village in this State in which, through the action of the legal voters therein as provided by this Act, the sale of intoxicating liquor, except as herein provided, is prohibited.

“Town” shall include towns in counties under township organization and incorporated towns, provided that no incorporated town, city or village that has been heretofore annexed to another incorporated town, city or village under the provisions of “An Act to provide for the annexation of cities, incorporated towns and villages,” approved and in force April 25, 1889, shall be entitled to hold an election under the provisions of this Act separately from the town, city or village to which the same has been annexed.

“Precinct” shall mean any “voting precinct” or “election precinct” which was a sub-division for voting in counties not under township organization at the general election held on the 6th day of November, A. D. 1906.

"Political subdivision" shall mean the phrase "town, precinct, city or village."

"District" shall mean territory in which after the same has become anti-saloon territory the limits of the political subdivision have been changed.

In the phrase, "Shall this become anti-saloon territory?" the proper word, whether "town," "precinct," "city," or "village," shall be understood to be inserted in the blank, and the same shall be inserted in the petitions filed by and the ballots prepared for the voters of any town, precinct, city or village.

"Said proposition" shall mean the proposition "Shall this (town, precinct, city or village, as the case may be) become anti-saloon territory?"

"Clerk" shall mean, with reference to towns, cities and villages, the town, city or village clerk as the case may be; with reference to precincts in counties not under township organization it shall mean the county clerk; and it shall mean the board of election commissioners of any city, village or incorporated town in this State in which there now is or hereafter may be a board of election commissioners, and in the provisions of this Act applicable to or within any such city, village or incorporated town; "legal voter" shall mean a duly registered legal voter.

"Election" shall mean, in towns, cities and villages, an election at a time fixed by law for choosing town, city or village officers, as the case may be; in precincts in counties not under township organization it shall mean an election at a time fixed by law for choosing county officers. In cities and villages the officers of which shall be chosen for a term of four years, "election" shall also mean an election at a time fixed by law for choosing county officers. In no case shall it mean a special election to fill a vacancy.

"Intoxicating liquor" shall include all distilled, spiritous, vinous, fermented and malt liquors.

§ 2. Upon the filing in the office of the clerk at least sixty days before an election of a petition as in this Act provided, directed to such clerk, containing the signatures of legal voters of any political subdivision in number not less than one-fourth of the total vote cast in such political subdivision at the last election therein, to submit to the voters of such political subdivision the proposition "Shall this become anti-saloon territory?" said proposition shall be submitted at such election, as in this Act provided, to the legal voters of such political subdivision and if a majority of the legal voters voting upon said proposition shall vote "Yes" such political subdivision shall become anti-saloon territory. Such petition shall be a public document and shall be subject to the inspection of the public.

§ 3. A vote under the provisions of this Act shall become operative on the thirtieth day after the day of the election at which such vote is cast.

§ 4. A petition for submission of said proposition shall be in substantially the following form:

To the (county, town, city or village) clerk of the (here insert the corporate or legal name of the county, town, city or village):

The undersigned, residents and legal voters of the (insert the legal name or correct designation of the political subdivision) respectfully petition that you cause to be submitted, in the manner provided by law, to the voters thereof, at the next election, the proposition "Shall this become anti-saloon territory?"

| Name of Signer. | House Number. | Street. | Date of Signing. |
|-----------------|---------------|---------|------------------|
| | | | |

Such petition shall consist of sheets having such form printed or written at the top thereof and shall be signed by the legal voters in their own proper persons only, and opposite the signature of each legal voter shall be written his residence address (stating the street and the house number if there be such) and the date of signing the same. No signature shall be valid or be counted in considering such petition unless these requirements are complied with and unless the date of signing is less than six months preceding the date of filing the same. At the bottom of each sheet of such petition shall be added a statement, signed by a resident of the county in which the signers thereof reside, with his residence address as aforesaid, stating that the signatures on that sheet of the said petition are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition legal voters (and in cities, villages, and incorporated towns in which voters are or may be required to be registered, that they were at the time of signing said petition duly registered legal voters) of the said town, precinct, city or village, as the case may be; that their respective residences are correctly stated therein and that each signer signed the same on the date set opposite his name. Such statement shall be sworn to before some officer residing in the county where such legal voters reside, authorized to administer oaths therein. Such petition, so verified, or a copy thereof, duly certified as hereinafter provided, shall be *prima facie* evidence that the signatures, statement of residence and dates upon such petition are genuine and true and that the persons signing the same are legal voters of the political subdivision named. Such sheets shall be fastened together in one document, filed as a whole and when filed shall not be withdrawn or added to. No signature shall be revoked except by a revocation filed with the clerk with whom the petition is required to be filed and before the filing of such petition. Upon request of anyone filing such a petition and verified statement and paying or tendering to the clerk one dollar for each one hundred names, or fraction thereof, signed thereto, together with a copy thereof, the clerk shall immediately compare the original and copy and attach to

such copy and deliver to such person his official certificate that such copy is a true copy of the original, stating the day when such original was filed in his office. Whoever in making the sworn statement above prescribed shall knowingly, wilfully and corruptly swear falsely shall be deemed guilty of perjury and on conviction thereof shall be punished accordingly. Whoever forges the signature of any person upon any petition or statement provided for in this Act shall be deemed guilty of forgery and on conviction thereof shall be punished accordingly.

§ 5. The clerk with whom any petition shall be filed as provided in this Act shall cause notice to be given in the manner provided by law for giving notice of an election, of the submission of said proposition at the next election to the voters of the political subdivision named in such petition. Publication of the submission of said proposition to the voters of such political subdivision shall likewise be made in the manner provided by law for the publication of the list of nominations to be voted for at an election: *Provided*, that the failure of such clerk to cause such notice to be given, or the failure to make publication of the submission of said proposition as above provided, shall not affect the validity or binding force of the vote upon said proposition.

§ 6. The clerk with whom any petition shall be filed as provided by this Act shall cause said proposition to be plainly printed upon all the ballots to be used at the next election of officers in the political subdivision named in such petition and below the list of candidates named thereon, as follows:

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| Shall this (town, precinct, city or village, | Yes. | |
| as the case may be) become anti-saloon territory? | No | |

At the canvass of the ballots in each polling place where said proposition is submitted, it shall be the duty of the judges of election to admit to the room at such polling place, as special watchers of such canvass, one legal voter selected by the persons managing the interests of those in favor of and one selected by the persons managing the interests of those opposed to said proposition, provided such legal voters shall be of good character and sober and shall in no wise interfere with such canvass, and said judges and the police officers and other officers of the law shall protect such watchers and see that they are not excluded and at the time of such canvass of the ballots cast upon said proposition, such watchers shall be entitled to a position where they can plainly see and read each ballot and it shall be the duty of such judges to protect them in such position. Wherever any other method of taking and recording votes at elections than by means of printed ballots is provided by law the procedure for taking and recording the votes upon said proposition may conform to the method so provided.

§ 7. The clerk shall record in a well bound book, to be kept in his office by himself and his successors, the result of the vote upon said

proposition and such result may be proved in all courts and in all proceedings by such record or by the official certificate of the clerk, and in cases where such a record or certificate shows that a majority of the legal voters voting upon said proposition voted "Yes" the same shall be *prima facie* evidence that the political subdivision to which such vote was applicable has become anti-saloon territory.

§ 8. All the territory within any political subdivision which has become anti-saloon territory shall continue to be anti-saloon territory throughout its entire extent, notwithstanding any change which may be made in the limits of any such political subdivision, until the legal voters thereof have voted, according to the provisions of this Act, to discontinue such anti-saloon territory and the following section shall be construed in harmony herewith. In all anti-saloon territory, during the time that it continues to be anti-saloon territory, the operation of all ordinances providing for the restriction, regulation or prohibition of the sale of intoxicating liquor or for the issuing of dram shop licenses within any portion or the whole of such territory, so far as inconsistent with its status as anti-saloon territory, shall be suspended.

§ 9. Upon the filing in the office of the clerk, at least sixty days before an election in any political subdivision, of a petition directed to such clerk, containing the signatures of legal voters of an anti-saloon territory or district, in number not less than one-fourth of the total vote cast therein at the last election, to submit to the voters thereof the proposition "Shall this (political subdivision or district) continue to be anti-saloon territory?" (provided such petition corresponds in all other respects with the petition in this Act before described) such proposition shall be submitted at such election to the voters of such political subdivision or district, and the provisions of sections one (1), four (4), five (5), six (6) and seven (7) of this Act shall apply in all respects, so far as applicable, to the proposition "Shall this (political subdivision or district) continue to be anti-saloon territory?" to the submission of such proposition to such voters, to the petition therefor, to the recording of the vote thereon and to the proof and evidence of the petition and vote, except that in a district such proposition shall be submitted by separate ballot. If a majority of the legal voters voting upon such last mentioned proposition in any such political subdivision or district vote "No," such political subdivision or district shall cease to be anti-saloon territory, and all ordinances providing for the restriction, regulation or prohibition of the sale of intoxicating liquor or for the issuing of dram shop licenses, the operation of which was in any wise suspended within such political subdivision or district by virtue of the vote therein to become anti-saloon territory, and with all additions and amendments which in the meantime may have been made thereto, shall, if not in the meantime repealed, become and be in force within said political subdivision or district to the same extent, only, however, as the same would then be in force had such political subdivision or district never become anti-saloon territory. The petition mentioned in this section shall be a public document and shall be subject to the inspection of the public.

§ 10. A vote under the provisions of this Act in and for any political subdivision upon the proposition, "Shall this become anti-saloon territory?" or in and for any political subdivision or district upon the proposition "Shall this (political subdivision or district) continue to be anti-saloon territory?" shall be a bar to the submission to the voters thereof of either of such propositions as applied to that identical political subdivision or district only, until after the lapse of eighteen months.

§ 11. It shall not be lawful to sell intoxicating liquor in any quantity whatever nor to grant or issue, or cause to be granted or issued, any license to sell intoxicating liquor in any quantity whatever within the limits of any political subdivision or district whatever in this State while the same is anti-saloon territory, and if any such license be granted or issued in violation hereof the same shall be void.

§ 12. Whoever shall by himself or another, either as principal, clerk or servant, directly or indirectly, sell, barter or exchange any intoxicating liquor in any quantity whatever within the limits of any political subdivision or district in this State, while the same is anti-saloon territory, shall be fined not less than twenty dollars (\$20), nor more than one hundred dollars (\$100), or imprisoned in the county jail for not less than ten (10) days nor more than thirty (30) days, or both, in the discretion of the court. If any person shall be convicted of violating any provision of this section and shall subsequently violate any provision of this section he shall upon conviction thereof, be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) and imprisoned in the county jail for not less than ten (10) days, nor more than thirty (30) days. And in like manner, if he shall subsequently violate any provision of this section, for such third and each subsequent violation he shall upon conviction thereof be fined not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), and imprisoned in the county jail for not less than thirty (30) days, nor more than ninety (90) days.

§ 13. The giving away or delivery of any intoxicating liquor for the purpose of evading any provision of this Act, or the taking of orders or the making of agreements, at or within any political subdivision or district while the same is anti-saloon territory, for the sale or delivery of any intoxicating liquor, or other shift or device to evade any provision of this Act, shall be held to be an unlawful selling.

§ 14. All places where intoxicating liquor is sold in violation of any provision of this Act shall be taken and held and are declared to be common nuisances and may be abated as such; and whoever shall keep any such place, by himself or his agent or servant, shall, for each offense, upon conviction thereof, be fined not less than fifty (\$50) dollars nor more than (\$100) dollars and confined in the county jail not less than twenty (20) days, nor more than fifty (50) days, and it shall be a part of the judgment, upon the conviction of the keeper, that the place where liquor is found to have been sold contrary to this Act, be shut up and abated until the keeper shall give bond, with sufficient security to be

approved by the court, in the penal sum of one thousand (1,000) dollars, payable to the People of the State of Illinois, conditioned that he will not sell intoxicating liquor contrary to law, and will pay all fines, costs and damages assessed against him for any violation thereof; and in case of a violation of the condition of such bond, suit may be brought and recovery had thereon for the use of the county, city, town or village for any fine or fines that may be assessed against him under this Act.

§ 15. Any clerk, judge of election, police officer or other officer of the law, who shall refuse or neglect or fail to discharge any duty imposed by this Act, and anyone who signs a petition provided for in this Act, knowing he is not qualified to do so, or who files with the clerk any such petition or any sheet or other part thereof knowing that it contains the signature of a person not qualified to sign the same, or who receives, requests or demands or gives, offers or promises any reward for the signing or the refraining from signing of any such petition, or who by treating or giving intoxicating liquor or anything else, or by threats to injure another in person or property, or by betting or other device, either directly or indirectly influences or attempts to influence anyone to sign or refrain from signing any such petition, shall upon conviction thereof be fined not less than twenty (20) dollars, nor more than two hundred (200) dollars, or imprisoned in the county jail for not less than ten (10) days nor more than ninety (90) days, or both, in the discretion of the court. If any person shall be convicted of violating any provision of this section and shall subsequently violate any provision of this section, for such second and each subsequent violation he shall, upon conviction thereof, be fined not less than twenty (20) dollars nor more than two hundred (200) dollars and imprisoned in the county jail for not less than ten (10) days nor more than ninety (90) days.

§ 16. All offenses defined or mentioned in this Act may be prosecuted in any court of record having criminal jurisdiction, or the fines prescribed in this Act may be sued for and recovered before any court or justice of the peace having jurisdiction thereof, in the name of the People of the State of Illinois; and in case of conviction the offender shall stand committed to the county jail until the judgment and costs are fully paid.

§ 17. In all prosecutions under this Act, by indictment or otherwise, it shall not be necessary to state the kind of liquor sold; nor to describe the place where sold; nor to show the knowledge of the principal to convict for the acts of an agent or servant; nor to state the name of any person to whom liquor is sold; nor to set forth the facts showing that the required number of legal voters petitioned for the submission to the voters of said proposition, nor that a majority of the legal voters voting upon said proposition voted "Yes," but it shall be sufficient to state in that regard that the act complained of took place in an anti-saloon territory or district. The issuance of an internal revenue special tax stamp or receipt by the United States to any person as a wholesale or retail dealer in liquors or in malt liquors at any place within territory

which, at the time of the issuance thereof, is anti-saloon territory, shall be *prima facie* evidence of the sale of intoxicating liquor by such person at such place, or at any place of business of such person within such territory where such stamp or receipt is posted, and at the time charged in any suit or prosecution under this Act: *Provided*, such time is within the life of such stamp or receipt.

§ 18. Nothing in this Act shall be construed to forbid or prevent the sale within anti-saloon territory by druggists to whom permits or licenses therefor have been duly granted in the manner provided by law, of liquor for medicinal, mechanical, sacramental and chemical purposes only, not to be drunk upon the premises under any circumstances, so long as such druggist in good faith shall keep a true and an exact record in a book, which he shall provide for the purpose, in which shall be entered at the time of every sale of intoxicating liquor made by him or in or about his place of business to all persons whomsoever, the date of such sale, the name of the purchaser, and his residence (stating the street and the house number if there be such), the quantity and kind of such liquor and the purpose for which the same is sold, and so long as such druggist shall keep such book open to the full and free inspection of the police and all public officers elected and appointed and their deputies and agents during business hours. Nothing in this Act shall be construed to forbid or prevent the sale of intoxicating liquor for the period of thirty days next after the vote shall have been taken in the anti-saloon territory thereby created, according to the terms of a dram shop or other municipal license theretofore regularly issued in good faith according to law. Any portion of a dram shop or other municipal license fee which shall have been paid and which shall represent the unexpired period for which said dram shop or other municipal license was issued after the political subdivision in which such dram shop is located shall have become anti-saloon territory, shall be refunded by the municipality receiving the same. Nothing in this Act shall be construed to forbid or prevent the sale at wholesale by a manufacturer who manufactures from the raw materials of the product of his own manufactory located within anti-saloon territory for delivery outside the limits of such territory.

§ 19. Any five legal voters of any political subdivision in which an election shall have been held as provided for in this Act, may, within ten days after the canvass of the returns of such election and upon filing a bond for costs, contest the validity of such election by filing a verified petition in the county court of the county in which such political subdivision is situated, setting forth the grounds for the contest. Upon the filing of such petition a summons shall forthwith issue from such court addressed in cases of an election in a town, city or village, to the town, city or village clerk as the case may be; and in other cases to the county board, notifying such clerk or board of the filing of such petition and directing him or it to appear in such court on behalf of such political subdivision at the time named in the summons, which time shall be not less than five nor more than fifteen days after the filing of such

petition. The procedure in such cases shall be the same as that provided by law for the contesting of an election upon a subject which shall have been submitted to a vote of the people, so far as applicable. The county court shall have final jurisdiction to hear and determine the merits of such cases. Any legal voter in the political subdivision in which such election shall have been held may appear in person, or by attorney, in any such contested election case in defense of the validity of such election.

APPROVED May 16, 1907.

DANCE HALLS WHERE LIQUOR IS SOLD—ADMISSION OF MINORS.

§ 1. Admission of minors regulated. | § 2. Penalty.

(HOUSE BILL No. 485. APPROVED MAY 17, 1907.)

AN ACT regulating the admission of minors to public dance halls where intoxicating liquors are sold or given away and providing for penalties for violation of this Act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person, firm or corporation, as owner, agent, lessee or otherwise, that maintains or conducts any public dance hall where intoxicating beverages or liquors are sold or given away, or any such dance hall that is adjacent or connected with any room, building, park or enclosure of any kind where such intoxicating beverages or liquors are sold or given away, to permit any minor to enter and be and remain within such public dance hall or be and remain upon the premises where such public dance hall is located, unless such minor is accompanied by his or her parent or parents.

§ 2. Any person, firm or corporation violating section one (1) of this Act shall be guilty of a misdemeanor and shall, upon conviction, be fined a sum not less than twenty-five dollars (\$25.00) for each offense nor more than two hundred dollars (\$200.00) for each offense. Any person falsely representing himself or herself as parent of any minor shall be guilty of a misdemeanor and shall, upon conviction be subject to the foregoing penalties.

APPROVED May 17, 1907.

SALE OF LIQUOR PROHIBITED NEAR U. S. TRAINING SCHOOLS, ETC.

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| <p>§ 1. Sale, distribution or gift unlawful within one and one-eighth miles of an U. S. naval training school or military post.</p> <p>§ 2. Shift or device.</p> | <p>§ 3. Penalties.</p> <p>§ 4. Prosecutions—how made.</p> |
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(HOUSE BILL NO. 410. APPROVED MAY 17, 1907.)

AN ACT *prohibiting the sale, distribution or gift of malt, spirituous, vinous or intoxicating liquors, near the United States naval training schools or military posts, and providing a penalty for the violation thereof.*

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on and after January first, 1908, it shall be unlawful to sell, distribute or give away any malt, spirituous, vinous or intoxicating liquors, within one and one-eighth miles of the boundary line or lines of land owned or used by the United States government, for the exclusive purpose or purposes of an United States naval training school, or for an United States military post in this State: *Provided*, that nothing in this section contained shall apply to, or in any way affect, the territory near or surrounding land owned or used by the United States government for manufacturing purposes.

§ 2. Any shift or device to evade the provisions of this Act, shall be held to be violations of this Act.

§ 3. Any person, by himself, agent or employé, violating the provisions of the foregoing sections of this Act, shall, upon conviction for the first offense, be fined in any sum not less than \$25.00, nor exceeding \$100.00, and for each subsequent offense be fined not less than \$50.00, nor more than \$200.00, and shall be imprisoned in the county jail not less than ten days.

§ 4. Any fine or imprisonment mentioned in this Act may be enforced by indictment or information in any court of record having criminal jurisdiction, or the fine mentioned in this Act may be sued for and recovered before any justice of the peace in the proper county, in the name of the People of the State of Illinois, and in case of conviction the offenders shall stand committed to the county jail, until the judgment and costs are fully paid or until discharged by order of the court before which the conviction was obtained.

APPROVED May 17, 1907.

ELECTIONS.

ELECTION COMMISSIONERS AND CLERKS.

§ 1. Amends section 1, article 7, Act of 1885.

§ 1. Commissioners and clerks — fees and salaries — counties divided into classes — expenses.

(SENATE BILL NO. 104. APPROVED MAY 25, 1907.)

AN ACT to amend section 1 of article VII of an Act entitled "*An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State,*" approved June 19, 1885, in force July 1, 1885; as amended by an Act approved June 18, 1891, in force July 1, 1891; as amended by an Act approved April 24, 1899, in force July 1, 1899; as amended by Act approved April 24, 1899, in force July 1, 1899, as amended by Act approved June 17, 1895, in force July 1, 1895; as amended by Act approved June 9, 1897, in force July 1, 1897; as amended by Act approved May 11, 1901, in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of article VII of Act entitled "*An Act regulating the holding of elections and declaring the result thereof in cities, villages, and incorporated towns in this State,*" approved June 19, 1885, in force July 1, 1885; as amended by an Act approved June 18, 1891, in force July 1, 1891; approved April 24, 1899, in force July 1, 1899; as amended by an Act approved April 24, 1899, in force July 1, 1899; as amended by Act approved June 17, 1895, in force July 1, 1895; as amended by Act approved June 9, 1897, in force July 1, 1897; as amended by Act approved May 11, 1901, in force July 1, 1901; be and the same is hereby amended so as to read as follows:

§ 1. Such election commissioners and the chief clerk of the board of election commissioners shall be paid by the county, and for the purpose of fixing their fees and compensation, the several counties of this State are divided into three (3) classes, as they are now classified by law, as to fees and salaries. In counties of the first class said election commissioners shall receive a salary of five hundred dollars (\$500), and said chief clerk a salary of four hundred dollars (\$400) per annum. In counties of the second class said election commissioners shall receive a salary of seven hundred dollars (\$700), and such chief clerk a salary of one thousand two hundred dollars (\$1,200) per annum. In counties of the third class, to-wit: In Cook county, such election commissioners shall receive a salary of two thousand five hundred dollars (\$2,500), and such chief clerk a salary of four thousand dollars (\$4,000) per annum; and also in counties of the third class, to-wit: In Cook county, there may be employed one assistant chief clerk who shall receive a salary of two thousand five hundred dollars (\$2,500) per annum. All expenses incurred by such board of election commissioners shall be paid by such city. Such salaries and expenditures are to be audited by the county judges, and such salaries shall be paid by the county treasurer

upon the warrant of such county judge, out of any money in the county treasury not otherwise appropriated, and such expenditures shall be paid by the city treasurer, upon the warrant of such county judge, out of any money in the city treasury not otherwise appropriated. It shall also be the duty of the governing authority of such counties and cities respectively to make provision for the prompt payment of such salaries and expenses as the case may be.

APPROVED May 25, 1907.

EMPLOYMENT.

ACCIDENT REPORTS.

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| § 1. Accidents to be reported to Bureau of Labor Statistics—what report to give. | § 2. Publication of reports. |
| | § 3. Penalty. |

(SENATE BILL NO. 536. APPROVED MAY 24, 1907.)

AN ACT providing for the reporting, compiling and publishing of information concerning accidents to and deaths by accidents of employes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of every person, firm or corporation employing laborers, artisans, mechanics, miners, clerks or any other servants or employes of any character, to make a report to the State Bureau of Labor Statistics of every serious injury entailing a loss of thirty or more days' time, injury or death of every employé caused by accident while in the performance of any duty or service for such employer within thirty (30) days from the date of such injury or death. Such report shall give the name of the employer, character of business of such employer, where located, date of injury or death, name of person killed or injured, character of employment of service, and cause of such injury or death, and when injury alone, then the character and extent of such injury, residence, nativity and age of the person injured or killed, whether married or single, and, if known, how many persons are dependent upon such employé.

§ 2. It shall be the duty of the State Bureau of Labor Statistics to cause such reports to be made and to enforce the provisions of this Act and shall cause all of such accidents or deaths by accidents to be classified into trades or kinds of employment, and shall cause the same to be published at least once each year on or before January 1st.

§ 3. Any person, firm or corporation failing or refusing to make the reports as provided in section 1 of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in a sum not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

APPROVED May 24, 1907.

BUTTERINE AND ICE CREAM FACTORIES.

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| § 1. Sanitary condition of buildings and rooms. | § 3. Inspection certificate. |
| § 2. Construction of room, furniture and utensils—storage facilities, etc. | § 4. Alterations—written notice. |
| | § 5. Penalties. |

(HOUSE BILL NO. 684. APPROVED JUNE 3, 1907.)

AN ACT relating to the manufacture of butterine and ice cream.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all buildings or rooms occupied by butterine and ice cream manufacturers shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows and ventilating pipes sufficient to insure ventilation. The factory inspector shall direct the proper drainage, plumbing and ventilation of such rooms or buildings. No cellar or basement now used for the manufacture of butterine or ice cream shall be so occupied or used unless the proprietor shall comply with the sanitary provisions of this Act.

§ 2. Every room used for the manufacture of butterine and ice cream shall be at least eight feet in height, and shall have, if deemed necessary by the factory inspector, an impermeable floor, constructed of cement, or of tiles laid in cement, or an additional flooring of wood, properly saturated with linseed oil. The side walls of such room shall be plastered and wainscoted. The factory inspector may require the side walls and ceiling to be whitewashed at least once in three months. He may also require the woodwork of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed, and not prevent the proper cleaning of any part of the room. The manufactured butterine and ice cream shall be kept in dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be properly cleaned. No domestic animal shall be allowed to remain in a room where butterine or ice cream is manufactured or stored, and no water closets or ash pit shall be within or connected with the rooms used in the manufacture of butterine or ice cream.

§ 3. The State factory inspector shall cause such manufactories to be inspected. If it be found, upon such inspection, that the manufactories so inspected are constructed and conducted in compliance with the provisions of this Act, the factory inspector shall issue a certificate to the persons owning or conducting such manufactories.

§ 4. If, in the opinion of the State factory inspector, alterations are required in or upon premises occupied and used as butterine and ice cream manufactories, in order to comply with the provisions of this Act, a written notice shall be served by him upon the owner, agent or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly.

§ 5. Any person who violates any of the provisions of this Act, or refuses to comply with any of the requirements as provided herein, of the factory inspector or his deputy, who are hereby charged with the

enforcement of this Act, shall be guilty of a misdemeanor, and, on conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for the second offense, or imprisonment for not more than thirty days, and for a third offense by a fine of not less than five hundred dollars (\$500.00) nor more than sixty (60) days imprisonment, or both.

APPROVED June 3, 1907.

FACTORY INSPECTION.

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| <p>§ 1. Creates department of factory inspection.</p> <p>§ 2. Chief factory inspector—duties—salary—term of office—assistant and deputies—annual report—inspection districts—changes.</p> | <p>§ 3. Repeal.</p> |
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(HOUSE BILL NO. 593. APPROVED JUNE 3, 1907.)

AN ACT to provide for the establishment of a department of factory inspection, providing for the appointment of factory inspectors, and an attorney for the department, and prescribing their duties, and to repeal all Acts or parts of Acts in conflict therewith.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby created and established a separate and distinct department of the State Government to be known as the "Illinois Department of Factory Inspection."

§ 2. The Governor shall, upon the taking effect of this Act, appoint a chief State factory inspector, whose duty it shall be to exercise general supervision over the department of factory inspection, and secure the enforcement of all laws now in force or hereafter enacted, relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State, and to perform such other duties as are now or may hereafter be prescribed by law, to be performed by the factory inspector. The salary of such chief State factory inspector shall be three thousand dollars (\$3000.00) per annum and his term of office shall be four years. The Governor shall also appoint upon the taking effect of this Act, an assistant chief factory inspector at a salary of one thousand five hundred dollars (\$1,500.00) per annum, and twenty-five deputy factory inspectors at a salary of one thousand two hundred dollars (\$1,200.00) per annum, and at attorney for said department at a salary of one thousand five hundred dollars (\$1,500.00) per annum. The duties of the assistant chief factory inspector and the deputy factory inspectors shall be the same as those now or hereafter imposed by laws upon the chief State factory inspector, the assistant chief factory inspector, and the deputy factory inspectors. Said chief State factory inspector, assistant chief factory inspector and deputy factory inspectors shall visit and inspect at all reasonable hours, as often as practicable, the factories, mercantile

establishments, mills and workshops, and commercial institutions in this State, where goods, wares or merchandise are manufactured, stored, purchased or sold, at wholesale or retail. And the chief State factory inspector shall report in writing to the Governor on the 15th day of December annually, the result of his inspections and investigations, together with such other information and recommendations as he may deem proper. And said inspectors shall make a special investigation into the conditions of labor in this State, or into any alleged abuses in connection therewith, whenever the Governor shall direct, and report the results of the same to the Governor. It shall be the duty of said inspectors to enforce the provisions of this Act, and perform such other duties as now are or shall hereafter be prescribed by law, and to prosecute all violations of law relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State before any magistrate or any court of competent jurisdiction in this State. And it shall be the duty of the State's attorney of the proper county, upon request of the chief State factory inspector or his deputies, to prosecute any violation of law which it is made the duty of the factory inspectors to enforce. And it shall be the duty of the attorney for such department to prosecute, when required by the chief State factory inspector, any infractions or violations of law which is now or may be hereafter made the duty of the factory inspectors to enforce. Said chief State factory inspector shall, by written order filed with the Governor, divide the State into inspection districts, due regard being had to the number of factories and the amount of work required to be performed in each district. And he shall assign to each district a deputy inspector, who shall have charge of the inspection in the district to which he is assigned, under the supervision of the chief State factory inspector. The chief State factory inspector may at any time, when in his discretion the good of the service requires, change a deputy inspector from one district to another, or re-assign the districts of the State among the several deputy inspectors under his charge. He may at any time, when the conditions are changed or in his discretion the good of the service requires, by a like order filed with the Governor, re-divide the State into inspection districts, changing the territory embraced within the several districts, as to him may seem advisable.

§ 3. Section nine (9) of an Act entitled, "An Act to regulate the manufacture of clothing, wearing apparel and other articles in this State, and to provide for the appointment of State inspectors to enforce the same, and to make an appropriation therefor," approved June 17, 1893, in force July 1, 1893, as amended by an Act approved May 15, 1903, in force July 1, 1903, being in conflict herewith, is hereby repealed.

APPROVED June 3, 1907.

STRUCTURAL WORK.

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| <p>§ 1. Scaffolds, cranes, ladders, etc.—erection and construction.</p> <p>§ 2. Intermediate supports for joists, etc.</p> <p>§ 3. Placard stating load per square foot of floor space, etc.—verification.</p> <p>§ 4. Inspection—notice—alteration and reconstruction—free access, etc.—swinging and stationary devices regulated.</p> <p>§ 5. Water pipe, smoke stack, tower, etc.</p> | <p>§ 6. Flooring—filling in—plank over beams, etc.</p> <p>§ 7. Elevating machines—enforcement of provisions.</p> <p>§ 7a. Signals.</p> <p>§ 8. Plans to provide for structural features.</p> <p>§ 9. Penalties—recovery of damages—attorney fees.</p> |
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(HOUSE BILL NO. 592. APPROVED JUNE 3, 1907.)

AN ACT *providing for the protection and safety of persons in and about the construction, repairing, alteration or removal of buildings, bridges, viaducts and other structures, and to provide for the enforcement thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all scaffolds, hoists, cranes, stays, ladders, supports or other mechanical contrivances, erected or constructed by any person, firm or corporation in this State for the use in the erection, repairing, alteration, removal or painting of any house, building, bridge, viaduct or other structure, shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon.

Scaffolding, or staging, swung or suspended from an overhead support more than twenty (20) feet from the ground or floor shall have, where practicable, a safety rail properly bolted, secured and braced, rising a [at] least thirty-four (34) inches above the floor or main portion of such scaffolding or staging, and extending along the entire length of the outside and ends thereof, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

§ 2. If in any house, building or structure in process of erection or construction in this State (except a private house, used exclusively as a private residence), the distance between the enclosing walls is more than twenty-four (24) feet, in the clear, there shall be built, kept and maintained, proper intermediate supports for the joists, which supports shall be either brick walls or iron or steel columns, beams, trussels [trusses] or girders, and the floors in all such houses, buildings or structures, in process of erection and construction shall be designed and constructed in such manner as to be capable of bearing in all their parts, in addition to the weight of the floor construction, partitions and permanent fixtures and mechanisms that may be set upon the same, a live load of fifty (50) pounds for every square foot of surface in such floors, and it is hereby made the duty of the owner, lessee, builder or con-

tractor or sub-contractor of such house, building or structure, or the superintendent or agent of either, to see that all the provisions of this section are complied with.

§ 3. It shall be the duty of the owner of every house, building or structure (except a private house, used exclusively as a private residence) now under construction, or hereafter to be constructed, to affix and display conspicuously, on each floor of such building, during construction, a placard, stating the load per square foot [foot] of floor surface, which may with safety be applied to that particular floor during such construction; or if the strength of different parts of any floor varies, then there shall be such placards for each varying part of such floor. It shall be unlawful to load any such floors, or any part thereof, to a greater extent than the load indicated on such placards, and all such placards shall be verified and approved by the State factory inspector, a deputy factory inspector, or by the local commissioner or inspector of buildings or other proper authority, in the city, town or village charged with the enforcement of building laws.

§ 4. Whenever it shall come to the notice of the State factory inspector or the local authority in any city, town or village in this State, charged with the duty of enforcing the building laws, that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationary scaffolding, platform or other similar device used in the construction, alteration, repairing, removing, cleaning or painting of buildings, bridges or viaducts within this State are unsafe, or liable to prove dangerous to the life or limb of any person, the State factory inspector, or such local authority or authorities, shall immediately cause an inspection to be made of such scaffolding, platform or device, or the slings, hangers, blocks, pulleys, stays, braces, ladders, iron or other parts connected therewith. If, after examination, such scaffolding, platform or device or any of such parts is found to be dangerous to the life or limb of any person, the State factory inspector or such local authority shall at once notify the person responsible for its erection or maintenance of such fact, and warn him against the use, maintenance or operation thereof, and prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. Such notice may be served personally upon the person responsible for its erection or maintenance, or by conspicuously affixing it to the scaffolding, platform or other such device, or the part thereof declared to be unsafe. After such notice has been so served or affixed, the person responsible therefor shall cease using and immediately remove such scaffolding, platform or other device or part thereof and alter or strengthen it in such manner as to render it safe.

The State factory inspector or any of his deputies, or such local authority, whose duty it is, under the terms of this Act, to examine or test any scaffolding, platform or other similar device, or part thereof, required to be erected and maintained by this section, shall have free access at all reasonable hours to any building or structure or premises containing such scaffolding, platform or other similar device, or parts thereof, or where they may be in use. All swinging and stationary

scaffolding, platforms and other devices shall be so constructed as to bear four times the maximum weight required to be dependent therein or placed thereon when in use, and such swinging scaffolding, platform or other device shall not be so overloaded or overcrowded as to render the same unsafe or dangerous.

§ 5. That any person, firm or corporation in this State hiring, employing or directing another to perform labor of any kind in the erecting, repairing, altering or painting of any water pipe, stand pipe, tank, smoke stack, chimney, tower, steeple, pole, staff, dome or cupola, when the use of any scaffold, staging, swing, hammock, support, temporary platform or other similar contrivance are required or used in the performance of such labor, shall keep and maintain at all times, while such labor is being performed, and such mechanical device is in use or operation, a safe and proper scaffold, stay, support or other suitable device, not less than sixteen (16) feet or more, below such working scaffold, staging, swing, hammock, support or temporary platform, when such work is being performed, at a height of thirty-two (32) feet, for the purpose of preventing the person or persons performing such labor from falling, in case of any accident to such working scaffold, staging, swing, hammock, support or temporary platform.

§ 6. All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors of [or] filling in between the floors are fire-proof material or brick work, shall complete the flooring or filling in as the building progresses, to not less than within three tiers or beams below that on which the iron work is being erected. If the plans and specifications of such buildings do not require filling in between the beams or floors with brick or fire-proof material, all contractors for carpenter work in the course of construction shall lay the under flooring thereof or a safe temporary floor on each story as the building progresses to not less than within two stories or floors below the one to which such building has been erected. Where double floors are not to be used, such owner or contractor shall keep planked over the floor two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel, the contractors for the iron or steel work of buildings in the course of construction, or the owners of such buildings, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials to be used in the construction of such buildings, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

§ 7. If elevating machines or hoisting apparatus are used within a building in the course of construction for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be enclosed or fenced in on all sides by a substantial barrier or railing at least eight feet in height. Any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground,

and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly and securely supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction is five stories or more in height, no material needed for such construction shall be hoisted or lifted over public streets or alleys unless such street or alley shall be barricaded from use by the public. The chief officer in any city, town or village charged with the enforcement of local building laws, and the State factory inspector, are hereby charged with enforcing the provisions of this Act: *Provided*, that in all cities in the State where a local building commissioner is provided for by law, such officer shall be charged with the duty of enforcing the provisions of this Act, and in case of his failure, neglect or refusal so to do, the State factory inspector shall, pursuant to the terms of this Act, enforce the provisions thereof.

§ 7a. If elevating machines or hoisting apparatus, operated or controlled by other than hand power, are used in the construction, alteration or removal of any building or other structure, a complete and adequate system of communication by means of signals shall be provided and maintained by the owner, contractor or sub-contractor, during the use and operation of such elevating machines or hoisting apparatus, in order that prompt and effective communication may be had at all times between the operator of engine or motive power of such elevating machine and hoisting apparatus, and the employés or persons engaged thereon, or in using or operating the same.

§ 8. It shall be the duty of all architects or draftsmen engaged in preparing plans, specifications or drawings to be used in the erection, repairing, altering or removing of any building or structure within the terms and provisions of this Act, to provide in such plans, specifications and drawings for all the permanent structural features or requirements specified in this Act; and any failure on the part of any such architect or draftsmen to perform such duty shall subject such architect or draftsmen to a fine of not less than twenty-five (25) dollars nor more than two hundred (200) dollars for each offense.

§ 9. Any owner, contractor, sub-contractor, foreman or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct or other structure within the provisions of this Act, shall comply with all the terms thereof, and any such owner, contractor, sub-contractor, foreman or other person violating any of the provisions of this Act shall, upon conviction thereof, be fined not less than twenty-five (25) dollars nor more than five hundred (500) dollars, or imprisoned for not less than three (3) months nor more than two (2) years, or both fined and imprisoned, in the discretion of the court.

And in case of any such failure to comply with any of the provisions of this Act, any State factory inspector may, through the State's attorney or any other attorney, in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith.

If it becomes necessary, through the refusal or failure of the State's attorney to act, for any other attorney to appear for the State in any suit involving the enforcement of any provision of this Act, reasonable fees for the services of such attorney shall be allowed by the board of supervisors or county commissioners in and for the county in which such proceedings are instituted.

For any injury to person, or property occasioned by any wilful violations of this Act, or wilful failure to comply with any of its provisions, a right of action shall accrue to the party injured for any direct damages sustained thereby; and in case of loss of life by reason of such wilful violation or wilful failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives.

APPROVED June 3, 1907.

FEES AND SALARIES.

ACCOUNTS AND REPORTS OF COUNTY OFFICERS.

§ 1. Amends sections 51 and 52, Act of 1872.

§ 51. Relates to accounts and reports in counties of first and second classes.

§ 52. Provides for uniform system of accounts, etc., in counties of third class — county board may examine accounts in all counties — payment to county treasurer — penalties — repeal.

(SENATE BILL NO. 128. APPROVED APRIL 19, 1907.)

AN ACT to amend sections 51 and 52 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 28, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874, and all Acts amendatory thereto.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 51 and 52 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 28, 1872, in force July 1, 1872; title as amended by an Act approved March 28, 1874, in force July 1, 1874, and all Acts amendatory thereto, be and the same is hereby amended so as to read as follows:

§ 51. Every county officer of counties of the first and second classes, who shall be paid in whole or in part by fees, shall, in a book to be kept for that purpose, commencing on the first day of July, in the year of our Lord, one thousand nine hundred and seven, keep a full, true and minute account of all the fees and emoluments of his office, designating in corresponding columns, the amount of all fees and emoluments earned, and all payments received on account thereof, and

showing the name of each person or persons paying fees, and the amount received from each person, and shall also keep an account of all expenditures made by him on account of clerk hire, stationery, fuel, and other expenses, for keeping which book no fees shall be allowed to such officer.

Every such officer of counties of the first and second classes, who shall be paid in whole or in part by fees, shall, on the first day of December, in the year of our Lord one thousand nine hundred and seven (1907), and on the first day of June and December of each year following, make to the chairman of the county boards, a return in writing of all the fees and emoluments of his office of every name and character, which said report shall show the gross amount of the earnings of said office, the total amount of receipts of whatever name and character, and all necessary expenses for clerk hire, stationery, fuel and other expenses for the half year ending at the time of such report, or the portion thereof during which he shall be entitled to receive the fees herein provided for, together with the amount of his salary, which shall include any unpaid balance of his salary that may have remained due and uncollected at the time of making any previous return to the time of making any report. Such reports shall designate the service for which said amounts have been charged, or received, in such manner that the same may be identified with the account thereof upon the books of such officer, and shall show fully the amount earned and the amount received.

Said county boards, in counties of the first and second class, shall carefully audit and examine every such report, and ascertain the exact balance of such fees, if any, held by any such officer, after such expenses as the said board may approve and allow, and such salary and unpaid balance of salary from previous return shall have been deducted from the gross amount shown by such reports to have been paid unto or collected by such officer, and shall order that such officer shall pay over such balance to the county treasurer, whose receipt therefor shall be evidence of the settlement, by such officer of such report. But, if there shall appear to be a balance of salary due to such officer at the time of making such report, and such officer shall have previously paid into the county treasury any fees collected by him, the board shall make an order on the county treasurer in favor of such officer for the balance so found due to him: *Provided*, the amount of such order shall not exceed the amount of fees previously paid into the treasury by such officer.

Every such report shall be signed and verified by the affidavit of the officer making the same, which affidavit shall be substantially of the following form:

"State of Illinois, }
County of } ss.

I,, do solemnly swear that the foregoing account is, in all respects, just and true, according to my best knowledge and belief; and that I have neither received, directly or indirectly, nor directly or indirectly agreed to receive or be paid, for my own or

another's benefit, any other moneys, article or consideration than therein stated; nor am I entitled to any fee or emolument for the period therein mentioned other than those herein specified.

.....
Signed and sworn to before me
this day of
A. D. 190...
.....”

§ 52. That in counties of the third class, there shall be formulated, installed and regulated in offices of every county officer, who shall be paid in whole or in part by fees (hereinafter referred to as “County Officers”) by and under the direction of the county board of said counties of the third class, a uniform system of books of account, forms, reports and records, which said system of books of account, forms, reports and records, and no other, shall be used by such county officers of the said counties of the third class herein named, in compiling the reports hereinafter provided for to be made by them and in keeping a true and accurate account of fees received, fees earned, and all other transactions of the business of their respective offices.

That said system of books of accounts, forms, reports, and records may be altered, changed or amended from time to time by the said county boards of the said counties of the third class, or under their authority, and, when so altered, changed or amended shall be used by said county officers of counties of the third class in lieu of the books of account, forms, reports and records then in use.

That said county boards in counties of the third class are hereby authorized and empowered to audit the said books of account, forms, reports and records, containing the said record of the fees received, fees earned and all other transactions of the said county officers at any time and for the purpose of so doing, the said county board in counties of the third class, or anyone by said boards authorized to do so, are hereby vested with power and authority to enter the said offices of said county officers of the counties of the third class at all times, and have free and unrestricted access to all of the books, papers, forms, records and reports, used by the said county officers named herein, in recording the receipt of fees received by them, fees earned by them and of all other business of their respective offices for the purpose of so auditing, checking, compiling or copying the reports, provided hereinafter to be made to the county boards of counties of the third class.

And the said county officers in the said counties of the third class shall, on the first day of December, 1907, and on the first day of June and December of each and every year thereafter, make and transmit a report in writing under oath to the county board of said counties of the third class upon such forms as may be prescribed by said board for that purpose, and, if said board in said counties does not prescribe a form for such report, then, and in that event, the said county officers named herein shall make a report under oath in the same manner as is provided for in counties of the first and second class.

It is further provided that the said report so provided to be made and transmitted to the said county board of counties of the third class, by the provisions of this Act, shall forthwith be audited by said county board or under its authority, and, if found correct, the same shall be forthwith approved and also attested by some one authorized by it so to do; and if, after the same is audited, same is found correct, the county officer so making said report shall be notified in writing, by said county board, in said counties as aforesaid, that the same has been audited and found correct and so attested; and if, after auditing, said county board is unable to approve the same, the said county officer so making the same shall be forthwith notified in writing that the said report, giving the date thereof, by him filed, is incorrect, and the said notification shall state wherein the same is incorrect, and that the said county board is unable to approve the same. If there be any salary due and unpaid to any county officer herein named, of counties of all classes, at the time of making the last report at the close of his term of office, and there be not a sufficient amount of fees collected by such officer remaining in the county treasury to pay such balance, it shall be paid to him out of the fees earned by him during his term of office when afterwards collected by his successor.

The county officers named herein, in making their report, as provided for herein, shall in no case include in said report any charge previously reported, but shall make a separate report of all fees and emoluments which have previously been returned not received and which shall have been paid during the half year previous to making any such report, designating them as in other cases and indicating in what half year the same were earned: *Provided*, that nothing in this provision shall be construed as depriving the county boards of counties of the third class of the authority to prescribe forms to the said county officers in counties of the third class, to be used by them in reporting said fees.

The county boards in counties of all classes shall have full authority in their respective meetings, to inspect, examine and audit the records, fee books, books, papers, forms, memoranda and reports of any county officer who is paid in whole or in part by fees, in which fees are charged or recorded and in which is kept any minutes or records of the business of their respective offices for the purpose of checking, auditing and correcting the accounts rendered by the said county officers.

All fees, perquisites and emoluments received by said county officers in counties of the first and second classes (above the amount of their compensation fixed by the county boards and for clerk hire and other necessary expenses) shall be paid into the county treasury, and every county officer in counties of the third class, who is paid in whole or in part by fees, shall pay into the county treasury at the end of each current month all fees received by him during the said month which, under the constitution of this State, he is required to pay into the county treasury; but if there appear to be a balance of salary due to such county officer, at the time of making such pay-

ment, and the said officer shall have previously paid into the county treasury any fees collected by him, said board shall make an order on the treasurer in favor of such officer for the balance so found due him.

The county treasurer in all counties shall keep a book for the purpose of entering all fees received by him, in which shall be entered and set forth particularly the amount of said fees received, from whom and when received, which book shall be subject to the inspection of the county boards.

Any officer who is paid in whole or in part by fees, failing or refusing to permit county boards, or any one authorized by said boards, to have free and unrestricted access to his books, papers, records and memoranda, as provided for herein, or failing or refusing to make the payments to the county treasurer, as herein provided, or failing or refusing to produce his books for inspection or failing or refusing to make the semi-annual report, as herein provided, shall forfeit and pay the sum of one hundred dollars (\$100.00) for each failure or refusal, to be recovered by a common informer in any court of competent jurisdiction, one-half to be paid to such informer and the balance into the county treasury. And any officer named herein, who shall fail to enter fees in a book, as required by this Act, or to use the books, forms, reports and records, as provided herein to be used by them in counties of the third class, or who shall make a false entry of the same, or who shall falsify his semi-annual report, shall be deemed guilty of malfeasance in office, and upon conviction in any court of competent jurisdiction, shall be fined in any sum not less than fifty dollars nor more than two hundred and fifty dollars for each offense, one-half of such fine to go to the complainant and one-half to the county treasurer.

All Acts or portions of Acts in conflict with this, be and the same are hereby repealed.

APPROVED April 19, 1907.

COOK COUNTY—FEES OF STATE'S ATTORNEY.

§ 1. Adds section 9a to Act of 1872.

§ 9a. Fees paid into county treasury.

(HOUSE BILL No. 231. APPROVED MAY 17, 1907.)

AN ACT to amend an Act entitled, "*An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto,*" approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, "*Act as amended by an Act approved May 15, 1903, in force July 1, 1903,*" by adding thereto section 9a.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "*An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto,*" approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874. "Act

as amended by an Act approved May 15, 1903, in force July 1, 1903," be and the same is hereby amended by adding thereto section 9a to read as follows:

§ 9a. Each State's attorney in counties of the third class, hereafter to be elected, at the end of each and every quarter of the year after entering upon the duties of his office and within ten days after the expiration of his term of office shall pay all fees collected and remaining in his hands into the county treasury of his county.

APPROVED May 17, 1907.

COOK COUNTY—SALARIES OF COUNTY OFFICERS.

§ 1. Amends section 31, Act of 1872.

§ 31. As amended, salary of recorder of deeds is fixed at \$9,000 per annum.

(HOUSE BILL NO. 871. APPROVED MAY 11, 1907.)

AN ACT to amend section 31 of an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, and Acts amendatory thereto; title as amended by Act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 31 of an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, and Acts amendatory thereto; title as amended by Act approved March 28, 1874, in force July 1, 1874, be and the same is hereby amended to read as follows:

§ 31. The clerks of all courts of record, the treasurer, sheriff, coroner and recorder of deeds of Cook county, elected after the adoption of the present constitution of this State, shall receive as their only compensation for their services, the following named salaries, to be paid out of the fees of their respective offices actually collected, to-wit:

The clerk of the circuit court the sum of five thousand dollars per annum.

The clerk of the superior court the sum of five thousand dollars per annum.

The clerk of the county court the sum of three thousand dollars per annum.

The county clerk the sum of two thousand dollars per annum.

The clerk of the criminal court the sum of five thousand dollars per annum.

The clerk of the probate court of Cook county the sum of five thousand dollars per annum.

The county treasurer the sum of four thousand dollars per annum.

The sheriff the sum of six thousand dollars per annum.

The coroner the sum of five thousand dollars per annum

The recorder of deeds of Cook county as the only compensation for services rendered in the capacity of recorder or in any other capacity the sum of nine thousand dollars per annum. The clerk of the superior court of Cook county, the clerk of the probate court of Cook county, and the county clerk, and the clerk of the county court, the clerk of the circuit court, the county treasurer, the sheriff, coroner and recorder of deeds of Cook county, shall, from the time when their salaries or salary begins, as herein provided, each of them in a book provided for the purpose, keep a full, true and minute account of all the fees and emoluments of his office, designating in corresponding columns the amount of all the fees and emolument[s] earned and payment received on account thereof and shall also keep an account of all expenditures made by him on account of clerk hire, stationery and other expenses; such accounts shall always be open to the inspection of the board of commissioners. Every such officer, respectively, shall, on the first day of June and the first day of December of each year, during the term of his office and while receiving a salary as herein provided, make to the chairman of the board of commissioners a report in writing under oath, of all the fees and emoluments of his office, of every name and description whatsoever, and of all necessary expenses for clerk hire, stationery and other expenses for the half year or fraction thereof, ending at the time of said report; such report shall state fully the manner in which such fees and emoluments accrued. It shall be the duty of said board of commissioners to audit such accounts as soon as may be, and correct and adjust the same in accordance with the facts. The balance found in the hands of any such officer (except the county treasurer) over and above the amount due such officer as compensation for services, stationery, clerk hire and other necessary expenses as hereinbefore set forth, shall be paid over by such officer to the county treasurer as soon as his account shall have been audited, as aforesaid; and in the case of the county treasurer, the balance found in his hands shall be accounted for and paid out upon the order of the county board. And if, in the county of Cook, upon auditing of such accounts, there shall be found any balance due to the county of Cook from the county treasurer, the county of Cook shall account for and pay over to the city of Chicago its just proportion of the same. Deputy and assistant clerks shall be employed under the direction of the board of commissioners for said county and shall be paid a salary, to be fixed by the board: *Provided*, that until the employment of such deputy or assistant clerk shall be authorized and his compensation fixed as aforesaid, a reasonable allowance shall be made for any clerk, deputy or assistant necessarily employed by such officer.

APPROVED May 11, 1907.

COOK COUNTY—SALARY OF STATE'S ATTORNEY.

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| § 1. State's attorney of Cook county allowed salary of \$10,000 per annum. | § 2. How paid. § 3. Repeal. |
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(HOUSE BILL NO. 232. APPROVED MAY 17, 1907.)

AN ACT providing for the payment by the county of Cook of further compensation to the State's attorney of said county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the State's attorney of Cook county shall be paid by the said county, in addition to the salary which may be paid to him from the State treasury, such further compensation as will make his salary amount to the sum of ten thousand dollars per annum, which sum shall be in full payment for all services rendered by him.

§ 2. The said compensation shall be paid in equal quarterly installments; and it shall be the duty of the county comptroller of said county, at the end of each and every quarter of the year, to draw an order or warrant therefor in favor of the State's attorney on the county treasurer of said county, whose duty it shall be to pay the same on its presentation properly endorsed: *Provided*, that no warrant shall be drawn or money paid unless the State's attorney shall have, for the current quarter, made a report to the commissioners of said county and paid into the county treasury all fees collected by him as State's attorney for said quarter.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

APPROVED May 17, 1907.

FEES OF CIRCUIT AND PROBATE CLERKS IN FIRST AND SECOND CLASS COUNTIES.

- § 1. Amends Act of 1895 by providing for per diem to clerks of branch circuit courts in counties of second class.

(HOUSE BILL NO. 1. FILED MAY 13, 1907.)

AN ACT to amend an Act entitled "An Act to allow a per diem fee to clerks of the circuit and probate courts in counties of the first and second class," approved June 7, 1895, in force July 1, 1895, Approved May 10, 1901, in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act to amend an Act entitled "An Act to allow a per diem fee to clerks of the circuit and probate courts in counties of the first and second class," be amended to read as follows:

The clerks of the circuit court in counties of the second class shall receive and be allowed as a per diem fee for attendance upon said courts the sum of six dollars per day, and the clerks of the probate court in counties of the second class, and clerks of the circuit court in counties of the first class shall be allowed the same per diem fee for attendance upon their respective courts as are now allowed to clerks of the county court and sheriffs in counties of the second class for such service.

Provided, however, that in counties of the second class, where regular and branch circuit courts are held, clerks of the circuit courts shall receive and be allowed the sum of six dollars per diem for attendance upon each of said courts.

FILED May 13, 1907.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.

Witness my hand this 13th day of May, A. D. 1907.

JAMES A. ROSE,
Secretary of State.

FEES OF CIRCUIT CLERKS IN COUNTIES OF FIRST AND SECOND CLASS.

§ 1. Amends section 14, Act of 1872.

§ 14. Fees enumerated—eliminates fee for appearance of defendant, etc.

(HOUSE BILL NO. 581. APPROVED MAY 25, 1907.)

AN ACT to amend section fourteen of an Act entitled, "*An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto,*" approved March 20, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by Act approved April 8, 1875, in force July 1, 1875, as amended by Act approved May 11, 1877, in force July 1, 1877, as amended by Act approved June 23, 1883, in force July 1, 1883, as amended June 26, 1885, in force July 1, 1885, as amended by Act approved June 4, 1889, in force July 1, 1889, as amended by Act approved May 11, 1901, in force July 1, 1901, as amended by Act approved May 14, 1903, in force July 1, 1903, as amended by Act approved May 16, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section fourteen of an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 20, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by Act approved April 8, 1875, in force July 1, 1875, as amended by Act approved May 11, 1877, in force July 1, 1877, as amended by Act approved June 23, 1883, in force July 1, 1883, as amended by Act approved June 26, 1885, in force July 1, 1885, as amended by Act approved June 4, 1889, in force July 1, 1889, as amended by Act approved May 11, 1901, in force July 1, 1901, as amended by Act approved May 14, 1903, in force July 1, 1903, as amended by Act approved May 16, 1905, in force July 1, 1905, be and the same is hereby amended to read as follows:*

§ 14. The fees of the clerk of the circuit court in counties of the first and second class shall be as follows:

First—For all cases of *narr* and *cognovit*, for judgments to be entered in vacation, or in term time, in counties of the first class, \$4.50.

Second—In counties of the second class, \$4.00.

Third—In transcripts from a justice of the peace, or courts of record, or in cases of change of venue, in cases of appeal in [to] said courts in both first and second class counties, \$4.00.

Fourth—In transcripts of judgment from justices of the peace, or courts of record, for the purpose of creating a lien, in counties of the first and second class, including one execution, \$3.00.

Fifth—In cases of proceedings for the exercise of eminent domain, the petitioner or petitioners shall pay the said clerk the sum of, in counties of the first class, \$20.00.

Sixth—In counties of the second class, \$16.00.

Seventh—In all other cases in common law, in counties of the first class, \$6.00.

Eighth—In counties of the second class, \$5.00.

Ninth—In actions of chancery, in all divorce cases, in counties of the first class, \$6.00.

Tenth—In counties of the second class, \$5.00.

Eleventh—In partition cases, in counties of the first class, \$15.00.

Twelfth—In counties of the second class, \$12.00.

Thirteenth—In cases to foreclose mortgages, in counties of the first class, \$10.00.

Fourteenth—In counties of the second class, \$9.00.

Fifteenth—In all other chancery cases, in counties of the first class, \$9.00.

Sixteenth—In counties of the second class, \$8.00.

Seventeenth—In all criminal cases, in counties of the first class, \$6.00.

Eighteenth—In counties of the second class, \$5.00.

Nineteenth—For all executions, issued either as *alias* or *pluribus*. \$1.00. For issuing each writ of *habeas corpus*, *certiorari*, or *procedendo*, in counties of the first class, forty cents; in counties of the second class, twenty-five cents.

Twentieth—For making up a complete record of proceedings and judgments, or transcript for change of venue when directed by the court, for every one hundred words, in counties of the first class, 15 cents. In counties of the second class, 10 cents.

In all cases except in criminal cases, wherein the same are dismissed or settled without trial at the term to which process is made returnable, one-half the fees provided in the foregoing shall be allowed.

For taking depositions when requested and certifying to and sealing the same, for every one hundred words, in counties of the first class, 15 cents; in counties of the second class, 12 cents.

For swearing persons to declaration of intention to become a citizen, and filing the same, in counties of the first and second class, 25 cents.

For copy of the same with certificate and seal, in all counties of the first and second class, 25 cents.

For making entry of record of naturalization and for a copy thereof, or either, in all counties of the first and second class, 50 cents.

For taking acknowledgement of deed or other instrument of writing with seal, in counties of first and second class, 25 cents.

For recording any deed or other instrument in writing, for every one hundred words, in counties of first class, 10 cents; in counties of second class, 8 cents, and a certificate to be made by the recorder of the recording of a deed or other writing and the date of recording the same, signed by the clerk, shall be deemed sufficient evidence of the recording thereof, and for which, including indexing said instrument, there shall be charged a fee of twenty-five cents, in all counties of the first and second class.

For copies of records, the same fees as for recording.

For entering each tract in entry book of conveyance, in counties of first class, 10 cents; in counties of second class, 5 cents.

For recording every city, town, or assessor's plat, each lot or tract of land included in said plat, in counties of first class, 10 cents; in counties of second class, 8 cents, when the number of lots does not exceed twenty, and for each additional lot, 5 cents.

For entering each tract of land or town lot, named in any one deed, above five, in the entry book, 5 cents in counties of the first and second class.

For attestation on margin of record, of releases and assignments of all instruments and indexing the same as regular releases are now indexed in the book kept for that purpose, 25 cents.

Provided, that any poor person shall be allowed to commence suit without the payment of costs, by filing an affidavit that he is a poor person and unable to pay costs.

APPROVED May 25, 1907.

FEES OF JUSTICES AND POLICE MAGISTRATES.

§ 1. Amends section 40.

[§ 2.] § 40½. Repeal.

§ 40. Fixes fees of justices and police magistrates in all counties.

(SENATE BILL NO. 361. APPROVED MAY 24, 1907.)

AN ACT to amend section 40 of an Act entitled, "*An Act concerning fees and salaries, and to classify the several counties of this State, with reference thereto*," approved March 29, 1872, in force July 1, 1872, title as amended by an Act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 40 shall be amended to read as follows:

§ 40. For taking and certifying acknowledgement of a deed, mortgage, power of attorney or other writing, twenty-five cents. For acknowledgement of chattel mortgage, thirty-five cents, and fifteen cents for each folio over one hundred words for docketing the same. For administering oath to affidavit, when drawn by justice, thirty-five cents. For administering oath to affidavit, when not drawn by justice, ten cents. For taking each bond, thirty-five cents. For taking bail, fifty cents. For each certificate required to be made, when not part of any other act, thirty-five cents. For taking each complaint in writ-

ing, under oath, thirty-five cents. For docketing each suit, twenty-five cents. For taking deposition, for each one hundred words, fifteen cents. For issuing dedimus to take depositions of witnesses, 50 cents. For entering verdict of jury, fifteen cents. For entering judgments, twenty-five cents. For issuing each execution, twenty-five cents. For entering continuance, or any other order in the case, fifteen cents. For entering each appeal, twenty-five cents. For entering satisfaction of judgment, ten cents. For entering the award of referees, fifty cents. For administering oaths and trial, making all entries in cases of estrays, and making and transmitting a certificate thereof to the county clerk, one dollar. For each marriage ceremony performed and certificate thereof, two dollars. For each mittimus, thirty-five cents. For giving each notice, twenty-five cents. For administering oaths, five cents. For each summons or warrant, twenty-five cents. For each subpoena, twenty-five cents. For each venire in all cases, twenty-five cents. For each scire facias, thirty-five cents. For issuing each attachment or writ of possession, fifty cents. For taking recognizances, and returning the same, fifty cents. For transcript in change of venue, fifty cents. For transcript of judgment and proceedings in cases of appeal, fifty cents. For transcript of judgment to obtain lien on real estate, one dollar. For the trial of all contested cases, in counties of the first, second and third class, a per diem of two dollars, except in cases of judgment by confession or default in all counties of the first, second and third class the fees of the justices of the peace, police magistrates, constables, jurors and witnesses in criminal cases, shall be the same as those allowed for similar services in civil cases, and in all criminal cases where the fees cannot be collected of the party convicted, or where the prosecutions [prosecution] fails, the county board may, in its discretion, direct that the cost of the prosecution, or so much thereof as shall seem just and equitable, shall be paid out of the county treasury: *Provided*, that the costs in criminal and quasi criminal prosecutions for the violation of an ordinance of an incorporated city or town, where the provisions of the charters of such towns or cities do not prohibit the payment of such costs, may be paid by such city or town, in the discretion of the city council or board of trustees of such incorporated cities or towns.

[§ 2.] § 40½. REPEAL—All Acts or parts of Acts in conflict with this Act are hereby repealed.

APPROVED May 24, 1907.

FEES OF MASTERS IN CHANCERY.

§ 1. Amends section 20, Act of 1872.

§ 20. Fees when defendant is in default and for stenographer's service may be allowed by court in Cook county.

(SENATE BILL NO. 30. APPROVED APRIL 22, 1907.)

AN ACT to amend section 20 of an Act entitled, "*An Act concerning fees and salaries and to classify the several counties of this State with reference thereto,*" approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, said section 20 being amended by Act approved May 25, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 20 of an Act entitled "*An Act concerning fees and salaries and to classify the several counties of this State with reference thereto,*" approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874, said section 20 being amended by Act approved May 25, 1877, in force July 1, 1877, be amended so as to read as follows:

§ 20. For administering oaths and signing jurat, when not taking evidence or depositions, ten cents. For taking acknowledgment or proof of any deed, or written instrument, twenty-five cents. For taking depositions and certifying, for every one hundred words, fifteen cents. For taking and reporting testimony under order of court, the same fee as for taking depositions. For computing the amount due on which to render a decree, and making a report thereof to the court, where no oral evidence is taken, two dollars. For examining questions of law and fact in issue by the pleading, and reporting conclusions, whenever specially ordered by the court, a sum not exceeding ten dollars. For making sales and deeds thereon, the same fees and allowances as sheriffs; but in no suit or other proceedings, shall such fee and commission exceed two hundred dollars. For making a deed alone, on other cases, when required by order or decree of court, three dollars. For report of sale in every suit or proceeding when a sale is had, two dollars. For hearing and deciding application for writs of *ne exeat* or injunction, to be advanced by the complainant and taxed with costs, five dollars. For ordering, or refusing to order, a writ of *habeas corpus* or *certiorari*, one dollar. And no other fee or allowance whatever shall be made for services by masters in chancery.

In counties of the third class, masters in chancery may receive for examining questions in issue referred to them, and reporting conclusions thereon, and also in cases where the defendants are in default but under the order of reference the master is required to find and report conclusions, such compensation as the court may deem just; and for services not enumerated above in this section and which have been and may be imposed by statute or special order, they may receive such compensation as the court may allow. The court may also include as a part of such master's fees a reasonable allowance not to exceed fifteen

cents per hundred words for stenographer's services in cases where the master shall certify that a stenographer was necessarily employed, and shall attach to his report a certified copy of the testimony taken by such stenographer.

APPROVED April 22, 1907.

FEES OF STATES' ATTORNEYS.

§ 1. Amends section 8, Act of 1872.

§ 8. Fixes fees of State's attorneys.

(SENATE BILL NO. 76. APPROVED JUNE 4, 1907.)

AN ACT to amend section 8 of an Act entitled, "*An Act concerning fees and salaries and to classify the several counties of this State with reference thereto*," approved March 29, 1872, in force July 1, 1872, as amended by an Act approved June 4, 1889, in force July 1, 1889; title as amended by Act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 8 of an Act entitled, "*An Act concerning fees and salaries and to classify the several counties of this State with reference thereto*," approved March 29, 1872, in force July 1, 1872, as amended by an Act approved June 4, 1889, in force July 1, 1889; title as amended by Act approved March 28, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

§ 8. State's Attorneys shall also be entitled to the following fees:

For each conviction in prosecutions under indictment for murder, manslaughter, rape, kidnapping, arson and forgery, \$30.00;

All other cases punishable by imprisonment in the penitentiary, \$30.00;

For each conviction in other cases in courts of record, including cases brought to such courts by appeal from justices of the peace and police magistrates, \$15.00.

For each conviction in cases before police magistrates and justices of the peace, for offenses which it is made by law the duty of State's Attorneys to prosecute before such officers, and for each conviction before justices of the peace and police magistrates on any charge made criminal by the laws of this State, prosecuted by them, \$5.00;

For preliminary examination for each defendant held to bail or recognized, \$5.00;

For each examination of a party bound over to keep the peace, \$5.00;

For each defendant held by a justice of the peace or police magistrate to answer in a county court on the charge of bastardy, \$5.00;

For each trial in a court of record on the charge of bastardy, \$15.00;

For each case of appeal or writ of error taken from his county or from the county to which a change of venue is taken from his county, to the Supreme or Appellate Court when prosecuted or defended by him, \$50.00;

For each day actually employed in a trial of cases in court of record, \$10.00; the judge before whom the case is tried shall make an order specifying the number of days for which per diem shall be allowed;

For each day actually employed in the trial of cases of felony arising in their respective counties and taken by change of venue to another county, \$10.00; and the judge before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed. And it is hereby made the duty of each State's Attorney to prepare and try each case of felony arising when so taken by change of venue;

For assisting in a trial of each case on an indictment for felony brought by change of venue to their respective counties, the same fees they would be entitled to if such indictment had been found for an offense committed in his county, and it shall be the duty of the State's Attorney of the county to which such cause is taken by change of venue to assist in the trial thereof;

For each case of forfeited recognizance where the forfeiture is set aside at the instance of the defense, in addition to the ordinary costs, \$10.00 for each defendant;

For each proceeding in a court of record to inquire into the alleged insanity or distraction of any person alleged to be insane or distracted, \$5.00 for each defendant;

For each proceeding in a court of record to inquire into the alleged dependency or delinquency of any child, \$10.00;

For each day actually employed in the hearing of a case of *habeas corpus* in which the people are interested, \$20.00.

All the foregoing fees shall be taxed as costs to be collected from the defendant, if possible, upon conviction. But in cases of inquiry into the sanity or insanity of any person alleged to be insane, in cases on a charge of bastardy and in case of appeal or writ of error in the Supreme or Appellate Court, where judgment is in favor of the accused, the fees allowed the State's Attorney therein shall be retained out of the fines and forfeitures collected by them in other cases.

Ten per cent of all monies, except revenue, collected by them and paid over to the authorities entitled thereto, which per cent, together with the fees provided for herein that are not collected from the parties tried or examined, shall be paid out of any fines and forfeited recognizances collected by them.

State's Attorneys shall have a lien for their fees on monies except revenue received by them until such fees and earnings are fully paid.

No fees shall be charged on more than ten counts in any one indictment or information on trial and conviction; nor on more than ten counts against any one defendant on pleas of guilty at the same term of court.

APPROVED June 4, 1907.

SALARIES OF JUDGES OF CIRCUIT AND SUPERIOR COURTS.

§ 1. Amends section 3, Act of 1872.

§ 3. Annual salary of \$5,000.

(HOUSE BILL NO. 56. APPROVED MARCH 20, 1907.)

AN ACT to amend section 3 of an Act entitled, "*An Act concerning fees and salaries and to classify the several counties of this State with reference thereto*," approved March 29, 1872, in force July 1, 1872; title as amended by an Act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 3 of an Act entitled "*An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto*," approved March 29, 1872; in force July 1, 1872, title as amended by an act approved March 28, 1874; in force July 1, 1874, be, and the same is hereby amended to read as follows:

§ 3. That each judge of the circuit courts of this State and each judge of the superior court of Cook county, who shall be elected on or after the first Monday of June, A. D. 1909, shall receive and be paid out of the State treasury of this State, an annual salary of five thousand dollars (\$5,000), in lieu of all other compensation, perquisite or benefit in any form whatever: *Provided*, that such provision shall not apply to any judge elected or appointed to serve an unexpired portion of a term which began prior to said first Monday of June, 1909: *And provided, further*, that the provisions of this Act shall not prevent the payment of such additional compensation to the judges of the circuit and superior courts of Cook county out of the treasury of said county as is or may be provided by law.

APPROVED March 20, 1907.

SALARIES OF STATE OFFICERS.

§ 1. Amends section 1, Act 1872.

§ 1. Increases salaries of State officers.

(SENATE BILL NO. 105. APPROVED JUNE 4, 1905.)

AN ACT to amend section 1 of an Act entitled, "*An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto*," approved March 29, 1872, the title as amended by Act approved March 28, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled, "*An Act concerning fees and salaries and to classify the several counties of this State with reference thereto*," approved March 29, 1872, the title as amended by Act approved March 28, 1874, be amended so as to read as follows:

§ 1. That there shall be allowed and paid an annual salary, in lieu of all other salaries, fees, perquisites, benefit of compensation in any form whatsoever, to each of the officers herein named, the following sums respectively:

To the Governor, the sum of \$12,000, together with the use and occupancy of the executive mansion.

To the Lieutenant Governor, the sum of \$2,500: *Provided*, that if the powers and duties of the office of Governor shall devolve upon the Lieutenant Governor, the Lieutenant Governor shall during the continuance of such emergency, be entitled to the emoluments thereof as herein provided.

To the Secretary of State, the sum of \$7,500.

To the Auditor of Public Accounts, the sum of \$7,500.

To the Treasurer, the sum of \$10,000.

To the Superintendent of Public Instruction, the sum of \$7,500.

To the Attorney General, the sum of \$10,000.

APPROVED June 4, 1907.

FISH AND GAME.

FISHING IN LAKE MICHIGAN.

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| § 1. When fishing prohibited—days of grace. | § 6. Mesh of net for perch and other rough fish. |
| § 2. Mesh of net for white fish and trout. | § 7. When pound net may be used. |
| § 3. Gathering spawn—time fixed—by whom—disposition. | § 8. License—fees—expiration. |
| § 4. Who forbidden. | § 9. Penalties. |
| § 5. Mesh of net after April 1, 1908 for certain fish—what forbidden. | § 10. Repeal. |

(SENATE BILL NO. 113. APPROVED MAY 17, 1907.)

AN ACT to regulate the catching of whitefish, trout, herring, chubs, longjaws, blackfins, perch and other rough fish in the waters of Lake Michigan under the jurisdiction of the State of Illinois.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* No person or corporation shall fish for, take or catch, by any means whatever, any fish of any description in the waters of Lake Michigan under the jurisdiction of the State of Illinois, from and including the 15th day of November to and including the 15th day of December in each year, and during said period no person or corporation shall set or allow to remain in said waters nets or hooks of any description: *Provided, however*, that when, on the 14th day of November in any year, any person or corporation shall have nets set in said waters, which owing to stress of weather such person or corporation shall be unable to raise and bring in on said day, three days of grace thereafter shall be allowed for the purpose of raising and bringing in such nets and the fish caught therein.

§ 2. No person or corporation shall set for the catching of whitefish or trout in the waters of Lake Michigan under the jurisdiction of the State of Illinois, at any time, any net smaller than a 4¼-inch mesh gill net.

§ 3. Every owner, manager, sailor or other person, using and operating a steam, gasoline or sail boat for fishing on any spawning ground in the waters of Lake Michigan, within the jurisdiction of the State of Illinois, where whitefish and trout spawn, shall place upon and have upon such boat at all times from the 15th day of October to the 15th day of November in each and every year, one man whose duty it shall be to gather and impregnate the spawn of said fish, which spawn, when so gathered, shall either be promptly turned over to the State fish hatcheries or returned to the waters of said lake in a proper manner.

§ 4. No owner, manager, sailor or other person using and operating a steam, gasoline or sailboat for fishing in the waters of other lakes, shall be permitted to use such boat for fishing on spawning grounds in the waters of Lake Michigan under the jurisdiction of the State of Illinois, unless he shall have been fishing in such waters for a period of not less than three months prior to the first day of December in the year in which such fishing is attempted.

And it shall be unlawful for any person violating the foregoing provision of this section from fishing at all during the spawning season in the waters of Lake Michigan within the jurisdiction of the State of Illinois.

§ 5. After April 1, 1908, it shall be unlawful to set any net of a mesh between $2\frac{3}{4}$ inches and $4\frac{1}{4}$ inches in the waters of Lake Michigan under the jurisdiction of the State of Illinois, for any purpose whatever at any time. And no person shall fish for, take or catch, by any means whatever, any herring, chubs, longjaws or black fins, in the waters of Lake Michigan, under the jurisdiction of the State of Illinois, at any time, other than with a $2\frac{3}{4}$ -inch mesh gill net.

That it shall be lawful for any person or corporation to take and place upon the market any and all dead trout found in a $2\frac{3}{4}$ -inch mesh gill net set in proper waters, during the open season, for herring, chubs, longjaws or black fins, but no whitefish of less than $1\frac{1}{2}$ pounds.

§ 6. It shall be lawful for any person or corporation to fish for, take and catch during the open season, perch and other rough fish, with a $2\frac{1}{2}$ -inch mesh gill net, set within three miles from the shore line in the waters of Lake Michigan under the jurisdiction of the State of Illinois.

§ 7. A pound net may be used wherever a gill net is provided for, if the crib or pot be 4 inch extension measure as manufactured, and the crib or pot of a $2\frac{1}{2}$ -inch mesh net may be used for the purpose of catching herring, bluebacks or any other rough fish where it will not interfere with immature whitefish or trout, after April 1, 1908.

§ 8. No person shall be permitted to use or operate a steam, gasoline or sailboat for fishing in or upon the waters mentioned in

the first section of this Act without first obtaining a license so to do from the city clerk or county clerk of any city or county bordering upon such waters, which clerks are hereby authorized to issue such licenses. The fee for such licenses to be paid to such clerk in advance shall be as follows: For each steam tug, \$25.00; for each gasoline launch, \$15.00; for each sailboat, \$10.00; and each city or county clerk issuing any license shall be entitled to a fee of ten cents for each license so issued by him, in addition to the fee above provided for, to be paid by the party applying for such license. Which payment so made shall entitle the person making the same to use and operate such steam tug, gasoline launch or sailboat, at such time as prescribed by this Act. The license fee above provided for shall be paid by the said clerk to the State Treasurer at the end of each month, and shall be placed to the credit of a fund to be known as the State fish protection fund, and shall be disbursed by the State Treasurer on warrants signed by the State fish commissioners, approved by the Governor and filed with the Auditor of Public Accounts, who shall draw his warrants therefor on the State Treasurer. And said license shall expire on the first day of June following its issuance.

Provided, that nothing herein contained shall be construed as limiting or restraining the right of any person to fish at any time with a hook and line without any license.

§ 9. Any person or corporation violating any of the Act other than section one shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, and costs of suit, or imprisonment in the county jail of the county wherein such conviction shall be had for not less than fifteen nor more than thirty days, or both such fine and imprisonment in the discretion of the court.

Any person or corporation violating the provisions of section one of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars and costs of suit, or imprisonment in the county jail of the county wherein such conviction shall be had for not less than three months nor more than one year, or both such fine and imprisonment in the discretion of the court.

§ 10. All Acts or parts of Acts contravening the provisions of this Act are hereby repealed.

APPROVED May 17, 1907.

PROTECTION OF FISH.

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| <p>§ 1. When unlawful to catch or kill fish, etc.</p> <p>§ 2. Not to obstruct passage of fish.</p> <p>§ 3. Suitable fish—ways—commissioners—damages—penalty.</p> <p>§ 4. Appointment and duty of wardens—deputies.</p> <p>§ 4a. How suits to enforce provisions of act brought.</p> <p>§ 5. Persons violating act to be prosecuted.</p> <p>§ 6. What fish unlawful to sell.</p> <p>§ 7. How enforced—complaint—affidavit.</p> <p>§ 8. Where complaint to be made.</p> <p>§ 9. When warrant to issue.</p> <p>§ 10. Hearing complaint—judgment—jury.</p> <p>§ 11. Penalty—collection and disposition.</p> | <p>§ 12. When execution returned "no property found"—arrest.</p> <p>§ 13. Appeal.</p> <p>§ 14. Penalty.</p> <p>§ 15. Repeal—board of fish commissioners.</p> <p>§ 16. When unlawful to kill, etc.</p> <p>§ 17. When unlawful to seine—proviso—Lake Michigan excepted.</p> <p>§ 18. When transportation of fish unlawful—penalty.</p> <p>§ 19. Seizing fish—device—prosecution—trial—condemnation of device.</p> <p>§ 20. Penalty.</p> <p>§ 21. License to fish with seine, etc.—fees—fish protection fund—metal tags—penalty.</p> <p>§ 22. Compensation of commissioners.</p> <p>§ 23. Repeal.</p> |
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(HOUSE BILL NO. 834. FILED JUNE 5, 1907.)

AN ACT entitled, "*An Act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois, defining the duties of the fish commissioners, fixing their compensation and providing penalties for the violation of the provisions thereof.*"

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person or persons shall place or cause to be placed or erected, any seine, wire, net, fish dam or other obstruction in or across any of the rivers, creeks, ponds, streams, lakes, sloughs, bayous, or other water or water courses within the jurisdiction of this State, in such manner as will obstruct the free passage of fish up and down and through such water or water courses, and it shall be unlawful for any person to catch or take fish, except minnows for bait, with any device or means other than a hook and a line, within one-half mile of any dam constructed across any of the rivers or creeks or other water courses within the jurisdiction of this State.

That it shall be unlawful for any person to catch or kill any fish in or upon any of the lakes or rivers within the jurisdiction of this State except waters used for commercial navigation, or lakes, sloughs or bayous adjoining the same, with any device or means when such waters are covered with ice. It shall, however, be lawful to take with net and seine only from all streams navigable for commercial purposes, and from the sloughs and bayous directly connected with such streams, dog fish, carp, buffalo and cat fish, when such streams, lakes and bayous so connected with said streams are covered with ice. That it shall be unlawful for any person to catch or kill or attempt to catch or kill any fish with any trammel net, drag hooks,

basket or other similar device in or upon any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous or other water courses, within the jurisdiction of this State: *Provided*, dog fish, carp, buffalo and cat fish may be caught with trammel nets in the Illinois, Mississippi, Ohio, Big Wabash and Calumet rivers proper, at any time except from April the 15th to June the 1st, of each and every year. Nor shall the meshes of any weir, seine, or any net or seine, except seine used for catching minnows for bait, be less than one and one-half inches square: *Provided, however*, that seining shall be lawful and allowed between the 1st day of September each year and the 15th day of April in the following year, with seines, the meshes of which shall not be less than one and one-half ($1\frac{1}{2}$) inches square in the following rivers, to-wit: The Mississippi, Big Wabash, Illinois and Calumet rivers, and the lakes, sloughs and bayous connected with said rivers within the jurisdiction of this State: *Provided, also*, that it shall be lawful for the fish commissioners of Illinois or the United States, or persons authorized by them, to take fish in any way, at any time, and in any such places as they deem best for the purpose of propagation, distribution or destroying of objectionable fish. It shall be unlawful for any person to buy, sell or have in possession any fish at any time which shall have been caught, taken or killed contrary to the provisions of this Act, and any person so offending shall be deemed guilty of a misdemeanor, and fined as provided in this Act: *Provided, further, however*, that every person who shall at any time catch or kill or take or attempt to catch or kill any fish in any of the rivers, creeks, lakes, streams, sloughs, bayous, or other water courses within the jurisdiction of this State, by the use of lime, acid, medical or chemical compounds or dope of any medicated drug, or any cocolus indicus or fish berry or any dynamite or giant powder, nitro glycerine or any explosive substance of which nitro glycerine composes a part, or other explosive, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), and be imprisoned in the county jail not more than six months, either or both, at the discretion of the court.

And, provided, also, that when gar are taken by seine or net, they shall be destroyed and any person neglecting to destroy such gar, shall be deemed guilty of a misdemeanor, and fined as provided in this Act: *And, provided, also*, every person who shall at any time kill or attempt to kill, with spear, in any of the rivers, creeks, ponds, lakes, streams, sloughs, bayous or other water courses within the jurisdiction of this State, any fish except german carp, shall be deemed guilty of a misdemeanor and fined as provided in this Act.

§ 2. That it shall be the duty of any person or persons who now own or control, or hereafter may erect or control any dam or other obstruction across any of the rivers, creeks, streams, bayous or other water courses wholly within or running through this State in such manner as shall obstruct the free passage of fish up and down or through such water or water courses, to place or cause to be erected in or in connection with such dam or dams, durable and efficient

fishways, so that the free passage of fish up and down said waters may not be obstructed. All such fish-ways shall be maintained and kept in good repair by the person or persons so owning or controlling such dams or other obstruction during the whole time for the existence of such dam or other obstruction, as aforesaid, so that said fish-way shall at all times be open and free from obstruction for the passage of fish.

And in case the owner or person controlling, operating or using any dam or other obstruction, as aforesaid, shall fail or refuse, after ten days' notice, in writing, by a majority of the fish commissioners of this State, to construct and keep in good repair durable and efficient fish-ways, as provided in this Act, then the fish commissioners may construct, or cause to be constructed, durable and efficient fish-ways, or place the same in good repair, said work to be let by contract to the lowest responsible bidder, and may recover in any action of debt in the name of the People of the State of Illinois, before any justice of the peace or court of competent jurisdiction, the cost of constructing or repairing such fish-way. Any person or persons or corporations owning or controlling any such dam or other construction, who shall fail or refuse to comply with the provisions of this section with respect to the construction and maintenance in good repair of such fish-ways in any such dam, after having been notified in writing by the fish commissioners or a majority of them, to construct or repair the same, shall be deemed guilty of a misdemeanor, and for each and every twenty days after such notification that such person or persons shall neglect or refuse to comply with the provisions of this section in not erecting, maintaining and keeping in good repair such fish-ways, he or they shall be subject to a penalty of not less than twenty-five nor more than two hundred dollars.

§ 3. All fish-ways built as provided in this Act, if constructed to the satisfaction and approval of a majority of the fish commissioners, then every owner or person controlling such dam or other obstruction as provided in this Act, may obtain from such fish commissioners, or a majority of them a certificate that such fish-ways are constructed in compliance with this Act, which certificate shall be a full protection against any prosecution for violation of this Act for not providing a fish-way. Such certificate may be suspended at any time by the fish commissioners, when such fish-way is not maintained or repaired as herein required. If such person or persons so owning or controlling any such dam or other obstruction shall fail to construct or maintain such fish-way to the satisfaction of the fish commissioners, or a majority thereof, then it shall be *prima facie* evidence of the violation of this Act: *Provided*, that no owner or owners of any dam or dams shall be required by this Act, or any other Act, to construct or allow the construction of any fish-way in such manner as to endanger the permanent durability of such dam or dams, or to impair their usefulness. Nor shall they be required to construct or repair such fish-ways by using some particular patent on which a patent fee is demanded, or to construct or repair such fish-way when high water

or climatic conditions may render such work impracticable. The fish commissioners, or a majority of them, to determine whether or not such fish-way will endanger the permanent durability of such dam, or impair its usefulness as to such high water or climatic conditions, and in case the owner or owners of such dam dissent to the decision of such fish commissioners, or a majority of them, then a board of arbitration shall be chosen to determine such matters: One by the fish commissioners, or a majority of them; one by the owner or owners of such dam, and the two so chosen shall select a third within thirty (30) days after their selection, and if not so selected within thirty (30) days, then the third one shall be selected by the Governor of the State, and the decision of such arbitrators, so chosen, shall be final. If the owner or owners of such dam shall not choose the arbitrator, as aforesaid, within ten (10) days after the notice in writing by the fish commissioners, or a majority of them, then the decision of the fish commissioners shall be final and conclusive. In case of the destruction or damage resulting to the dam by reason of construction of a fish-way, under direction of the fish commissioners, such damage shall be repaired at the expense of the State.

§ 4. The Governor, on the request of the fish commissioners, shall appoint five fish wardens, who shall be under the supervision of the fish commissioners, and whose duties it shall be to enforce all laws relating to fishes, arrest all violators thereof, and prosecute offenders against the same. They shall have power to serve process against such offenders, and shall have the power to arrest without warrant, any person for violating any of the provisions of this Act. Each of said fish wardens shall receive a salary of nine hundred dollars per annum, to be paid out of the State treasury upon bills audited by the fish commissioners and approved by the Governor. And the Governor may also, upon the recommendation of the fish commissioners, appoint one or more persons in each county in the State of Illinois, deputy fish wardens, whose duty it shall be to enforce the provisions of this Act, and who shall have the same powers and authority as fish wardens above provided for. Said deputy fish wardens shall receive for their compensation, two dollars per day and necessary traveling expenses for what time they are actually employed in such work, and they shall also be paid one-half of the fines which may be collected under the provisions of this Act through the efforts of such deputy fish wardens, from the funds in the hands of the State Treasurer received by the State Treasurer in accordance with the provisions of section 12 of this Act, upon the order of a majority of the board of fish commissioners approved by the Governor.

§ 4. (a) To enforce the provisions of this Act, all suits brought under the same shall be brought in the name of the People of the State of Illinois, and shall be brought on the complaint of any person or persons showing by affidavit that some section of this Act has been violated, giving the names of the persons violating, if known, and if unknown, such affidavit shall state that such violation has been com-

mitted by some person or persons whose name or names are unknown, and such complaint shall be made before any justice of the peace of the county in which such violation has been made.

§ 5. It shall be the duty of all sheriffs, deputy sheriffs, constables, fish commissioners and fish wardens, to cause any person violating any of the sections of this Act to be promptly prosecuted, and the several fish commissioners of this State shall have the power to arrest without warrant, any person or persons for violation of sections two (2) and three (3) of this Act.

§ 6. It shall be unlawful to sell or offer for sale any of the following named fishes mentioned below, which are less than the weight or length specified for each:

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| Black Bass | Eleven inches |
| White or Striped Bass | Eight inches |
| Rock Bass | Eight inches |
| Black or River Croppie | Eight inches |
| White Croppie | Eight inches |
| Yellow or Ring Perch | Six inches |
| Wall-eyed or Pike Perch | Fifteen inches |
| Pike or Pickerel | Eighteen inches |
| Buffalo | Fifteen inches |
| German Carp | Fifteen inches |
| Sun Fish | Six inches |
| Red-eyed Perch | Six inches |
| Blue or Channel Cat | Thirteen inches |
| White Perch | Ten inches |
| White Fish, Menomie | One pound |
| Common White Fish | One and one-half pounds |
| Lake Trout | One and one-half pounds |
| Turtle or Terrapin | Seven inch shell |

And, provided, further, that the possession of the above named species of less length and weight than above designated, shall be *prima facie* evidence of violation of this section and subject the party or parties having them in their possession to the penalty hereinafter mentioned, unless caught with hook and line.

§ 7. To enforce the provisions of this Act, all suits brought under the same shall be brought in the name of the People of the State of Illinois, and shall be brought on the complaint of any person or persons showing by affidavit that some section of this Act has been violated, giving the names of the person or persons violating if known, if unknown, such affidavit shall state by some person or persons whose name or names are unknown and such complaint shall be made before any justice of the peace in the county in which violation has been made.

§ 8. When such violation is alleged to have been committed upon that portion of a stream or water course which may be the dividing line between two counties, then the complaint may be made to the justice of the peace in either of such counties.

§ 9. If the justice, before whom such complaint shall be made, shall be satisfied that there is reasonable cause to justify the making of such complaint, he shall issue the warrant, directed to the sheriff or constable of such county, commanding him forthwith to arrest and bring before him, or, in his absence, before the next nearest justice of the peace within such county, the person or persons alleged to have been guilty of violating any of the sections of this Act.

§ 10. Whenever any person or persons shall be brought before any justice of the peace, in the manner provided in this Act, it shall be the duty of such justice to hear and determine the complaint. The person or persons so charged may demand a jury, at any time before the commencement of the trial, and the case shall be tried as cases before justices in civil cases, and judgment shall be for conviction or acquittal of defendant or defendants in the case. In case a jury is called, the form of the verdict shall be, if for conviction, "We, the jury, find the defendant guilty, and assess the fine at.....dollars;" and if for acquittal, "We, the jury, find the defendant not guilty." The justice shall pronounce the judgment in accordance with the verdict.

§ 11. Whenever any judgment or conviction shall be rendered against any defendant or defendants as above provided, execution shall issue forthwith on such judgment, and the sheriff or constable to whom the case shall be directed shall pay the penalties collected on such execution in payment of such payment, to the justice of the peace who imposed such fine or to the clerk of the court wherein the fine was imposed, and such justice or clerk shall immediately pay to the State Treasurer the amount of said fine, to be used in payment of such expenses as may be incurred by the wardens in the enforcement of this Act. Said money to be paid out on the order of a majority of the board of fish commissioners and approved by the Governor.

§ 12. Whenever any execution issued as above provided, shall be returned "No property found," the justice having possession of the docket in which said judgment was entered, shall issue his warrant to the sheriff or any constable, of such county, commanding him to take and deliver the defendant or defendants in the execution to the jailor of such county, who shall receive such defendant or defendants into his custody and commit him to the county jail or workhouse of such county, wherever one exists, for a period of not less than ten nor more than sixty days, as the justice shall decide and direct in his warrant, but such defendant or defendants so arrested or committed, shall be discharged at any time on payment of such fine and costs.

§ 13. Any defendant or defendants against whom such judgment of conviction shall be rendered, and in case of acquittal, the party making the complaint, or any person who will give the necessary bond, shall have the right to appeal, on the same terms as in civil cases before justices, but no proceedings herein provided for shall be stayed unless such appeal shall be fully perfected.

§ 14. Any person or persons violating any of the provisions of the preceding sections of this Act, where no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five nor more than two hundred dollars for each offense.

§ 15. All Acts and parts of Acts in conflict with this Act are hereby repealed; but such repeal shall not disturb the status of the present board of fish commissioners.

§ 16. It is hereby declared to be unlawful to kill, catch or take in any of the rivers, creeks, ponds, lakes, sloughs, bayous or other water courses within the jurisdiction of this State, any fish for any purpose, within four hundred feet below any dam, between April 15th and June 15th of each and every year.

§ 17. It shall be unlawful to seine, kill or take any fish whatsoever, except by hook and line in any of the waters, lakes or rivers as heretofore named in section 1, of this Act, within the jurisdiction of this State between the 15th day of April and the 1st day of June in each and every year: *Provided*, it shall be unlawful at any time to take or catch any black bass, pike, pickerel or wall-eyed pike, commonly known as jack or yellow salmon, except by hook and line, and when so caught by hook and line such fish shall not be sold or offered for sale or shipment between the 1st day of September and the 15th day of April the following year: *And, provided, further*, that it shall be unlawful to catch or kill any fish whatsoever by the use of nets in any of the rivers, creeks, ponds, lakes, sloughs, bayous or water courses within the jurisdiction of this State between the 15th day of April and the 1st day of June of each and every year: *And, provided, further*, that nothing in this section shall be construed as relating or applying to Lake Michigan: *Provided, however*, that it shall be unlawful at any time to catch or attempt to catch fish with seine or trammel net between the hours of sundown and sunrise of the succeeding day.

§ 18. Any person or corporation, or any agent or servant of the latter who shall, for compensation or otherwise, transport any fish caught in any waters within the State of Illinois with seine or net, or any other device of either or any of the varieties for which a closed season is prescribed by this Act for catching with seine or net, during such closed season shall forfeit not less than twenty-five dollars, nor more than one hundred dollars for such violation, to be recovered in a civil action brought in the name of the People of the State of Illinois. The possession of any such fish for shipment or in transit, caught with net or seine during the season when it is unlawful under the provisions of this Act, to catch such fish with net or seine, shall be *prima facie* evidence of the violation of this section. *Provided*, that this section shall not apply to the transportation of fish into or through this State or out of it by the State Fish Commissioners, or by the commissioners of fisheries of other states or the United States: *Provided*, that there shall be five days after the close of the fishing season to dispose of and ship all fish caught previous to the close of said fishing season.

§ 19. It shall be the duty of any of the fish commissioners, wardens, constables and sheriffs to summarily seize and take possession of any device for taking or killing fish herein declared to be unlawful and it is prohibited; they shall thereupon report such seizure to the State's attorney, who shall forthwith file in the office of the county or circuit clerk an information in the name of the People of the State of Illinois, against the alleged owner or owners thereof, or of facts of the seizure and unlawful character of the device; whereupon it shall be the duty of the clerk of the county or circuit court to immediately issue two writs or summons in the name of the People of the State against such alleged owner or owners, or, if the owner or owners be unknown, against the unknown owner or owners thereof and shall deliver one summons to the sheriff, to be served, if possible, and shall post one summons in a conspicuous place at the court house door in such county and shall docket such case with the criminal cases of such court; and upon the expiration of ten days after the posting of such notice, the circuit or county court of such county, if then in session or when next in session thereafter, shall have jurisdiction thereof upon the clerk's certificate that he posted the notice herein required or the sheriff's return of summons served, or both, and shall proceed to a trial of said case; and if no plea denying the information be filed therein, the court shall take the information as *prima facie* evidence to support a judgment therein, and shall enter an order that the device subject of the information be condemned, and that, upon the expiration of twenty days after the last day of that term of court, such condemned device be sold as hereinafter provided, which order shall be certified to the sheriff by the clerk under the adjournment of the court and be by such sheriff returned with the manner of its execution; and, if a plea be entered in said case, the court shall proceed to determine whether such device be unlawful and its use prohibited by this Act, as in other cases without a jury unless demanded; and shall enter judgment of restitution or condemnation accordingly, and no recovery by the owner or owners or other persons for the value of such property so seized and destroyed in conformity with this Act shall be maintained: *Provided, however,* that such seine or nets so seized, the meshes of which are of legal size, shall be sold by the sheriff and the proceeds thereof be paid forthwith to the fish protection fund: *Provided, however,* that in streams where the use of seines or nets is prohibited by law it shall be the duty of all fish commissioners, fish wardens, sheriffs, deputy sheriffs, and constables, to summarily seize, take and destroy all devices declared by this Act to be illegal. Appeals and a writ of error shall lie from the judgment of the court in the premises as in other cases.

§ 20. Any person or persons violating any of the provisions of the preceding sections of this Act, where no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each and every offense..

§ 21. Any person desiring to fish in any of the waters as provided in section 1, of this Act, within the jurisdiction of this State, with hoop net or with seine or trammel net shall first obtain a license so to do from the city clerk or county clerk who are hereby authorized to issue license, and for each such license shall pay the following sum: For each hoop net, fifty cents; for each 100 yards of seine or less \$5.00, and for each 100 yards of trammel net or less \$5.00. And each city or county clerk issuing and [any] such license shall be entitled to a fee of ten cents for each license so issued by him, in addition to the fee above provided for, to be paid by the party applying for such license. Which payment so made shall license the person making the same to fish with said hoop net or seine or trammel net at such time as prescribed by this Act. The license fee above provided shall be paid by the said clerk to the State Treasurer at the end of each month and shall be placed to the credit of a fund to be known as the State Fish Protection Fund, and shall be disbursed by the State Treasurer on warrants signed by the State Fish Commissioners, approved by the Governor and filed with the Auditor of Public Accounts, who shall draw his warrant therefor on the State Treasurer. And said license shall expire on the 1st day of June following its issuance. At the time the said payment is made the persons making the same shall receive from the fish commissioners, fish warden, or deputy fish warden a metal tag, which shall be of uniform style and pattern, to be prescribed by the fish commissioners, and shall attach such metal tag to said hoop net and each 100 yards of seine or less and each 100 yards of trammel net or less, in such a manner as to be at all times exposed to public view, and any person or persons using any hop net or seine or trammel net which has no tag attached, in the manner herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, and the hoop net or seine or trammel net so failing to be tagged as above provided shall be held to be forfeited to the State of Illinois and may be seized and conveyed to the sheriff of the county as provided in section 18, of this Act, by any fish commissioner, fish warden or deputy fish warden, and in such case the procedure shall be the same as in this Act above prescribed, and for such seizure there shall be no right of action in favor of any person owning or using said hoop net or seine or trammel net: *Provided, further*, that nothing in this section contained shall be construed as relating or applying to Lake Michigan.

§ 22. The president and secretary of the fish commission shall each receive the sum of fifteen hundred dollars (\$1,500) per annum, as compensation for services performed under the provisions of this Act. Said amount shall be payable from the funds collected under the provisions hereof by the State Treasurer upon proper warrant.

§ 23. All Acts and parts of Acts in conflict with this Act, are hereby repealed.

FILED June 5, A. D. 1907.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.

Witness my hand this 5th day of June, A. D. 1907.

JAMES A. ROSE,
Secretary of State.

PROTECTION OF GAME.

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| <p>§ 1. Amends sections 1, 2, 3, 4, 5, 6, 10, 12, 16, 18, 25, and 31, Act of 1903.</p> <p>§ 1. When, where and what game may be killed—penalty—hunting, etc., by game commissioners.</p> <p>§ 2. When unlawful to buy or have in possession—penalty.</p> <p>§ 3. What birds not to be killed—penalty—protection of fruit—game birds.</p> <p>§ 4. Destroying nests of game birds—penalty.</p> <p>§ 5. Trapping birds.</p> | <p>§ 6. Selling, etc., after five days—penalty—proviso.</p> <p>§ 10. Certain animals not to be killed, etc.—exceptions—penalty.</p> <p>§ 12. Destroying nests or eggs of wild game—penalty.</p> <p>§ 16. Game commissioner—duties—game wardens.</p> <p>§ 18. Salaries—fees and expenses—surplus in game protection fund—how warrants drawn.</p> <p>§ 25. Hunter's license—fee—how obtained—penalty.</p> <p>§ 31. Ferrets not to be used, etc.</p> |
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(HOUSE BILL NO. 688. APPROVED MAY 28, 1907.)

AN ACT entitled, "*An Act to amend sections one (1), two (2), three (3), four (4), five (5), six (6), ten (10), twelve (12), sixteen (16), eighteen (18), twenty-five (25) and thirty-one (31) of an Act entitled, 'An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto,' approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one (1), two (2), three (3), four (4), five (5), six (6), ten (10), twelve (12), sixteen (16), eighteen (18), twenty-five (25) and thirty-one (31) of an Act entitled "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905, be and the same is hereby amended to read as follows:*

§ 1. It is hereby declared to be unlawful to hunt, kill, net, entrap, ensnare, destroy or attempt to hunt, kill, net, trap, ensnare or destroy or have in possession, any quail from the 20th day of December to the 10th day of November (both inclusive) of each succeeding year; or any ruffed grouse (partridge), pinnated grouse (prairie chickens), Mexican Blue quail, California Mountain quail, California Valley quail, Hungarian partridge (German quail), Capercailzie or Heath grouse (Black grouse), for the period of four years from and after July 1, 1907; or any woodcock or mourning dove from the 30th day of November to the 1st day of August (both inclusive) of each succeeding year; or any grey, red fox or black squirrel from the 15th day of November to the 1st day of July, (both inclusive) of each succeeding year; or any Jack snipe, Wilson's snipe, Sand snipe or any kind of snipe, or any Golden Plover, Upland Plover or any kind of plover, from the 1st day of May to the 1st day of September (both inclusive) of any year. And it shall be unlawful to kill, hunt, ensnare, entrap or attempt to kill, hunt, ensnare, entrap or otherwise destroy any wild

goose, duck, brant, coot (mud hen), rail or other water fowl at any time from the 15th day of April to the 1st day of September (both inclusive) of each year. And it shall be unlawful to hunt, kill, entrap, ensnare or attempt to hunt, kill, entrap, ensnare or otherwise destroy any wild goose, duck, brant, coot, rail or other water fowl, between the sunset of any day and the sunrise of next succeeding day at any period of the year. And it shall be further unlawful at any time to hunt, kill, entrap, ensnare or attempt to hunt, kill, entrap, or ensnare or otherwise destroy any wild goose, brant, duck, coot, rail or any other water fowl from any fixed or artificial ambush beyond the lines of natural covering of reeds, canes, willows, flags, crooked brush, wild rice or other vegetation above the water of any lake, river, bay or inlet, or other water course wholly within the State, or with the aid or use of any device commonly called sneak boat, sink box or other device for the purpose of concealment in the open waters of this State. And it shall be further unlawful to shoot, kill or destroy or shoot at any wild goose, duck, brant, coot, rail or other water fowl with a swivel gun, or from any sail boat, gasoline or electric launch or steam boat, at any time in any part of the water of any lake, river, bay or inlet or other water course wholly within this State: *Provided*, that it shall be unlawful to kill, entrap, ensnare or otherwise destroy any of the duck, geese, brant, coot, rail or other water fowl mentioned in this section at any time for market or other commercial purposes, nor more than twenty by one person in one day. Any person or persons so offending shall, for each and every offense, be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not less than fifteen nor more than fifty dollars and costs of suit, and shall stand committed to the county jail until such fine and costs are paid, *Provided*, that such imprisonment shall not exceed ten days, and the killing of each bird or animal herein specified shall be deemed a separate offense; *Provided*, that nothing in this section shall be construed to prevent the State Game Commissioner or his wardens or deputies from hunting, ensnaring or entrapping any of the game birds or animals in this section and transmitting them to other sections of the State where a scarcity of these game birds or animals exists for the purpose of propagating and restocking said sections of the State: *And, provided, further*, that before hunting, ensnaring or entrapping, said State Game Commissioner, his wardens or deputies, must first obtain the consent in writing of the tenants or land owners from whose premises said game birds and animals are taken.

§ 2. It shall be unlawful for any person to buy, sell or have in his possession any of the animals, wild fowl or birds mentioned in section 1 of this Act, at any time when the killing, trapping, netting and ensnaring of such animals, wild fowl or birds shall be unlawful. And it shall further be unlawful for any person or persons at any time to buy, sell or expose for sale, or to have in his or their possession for the purpose of selling, any quail, pinnated grouse, or prairie chicken, wild duck, goose, brant, Mexican Blue quail, California Mountain quail, California Valley quail, Hungarian partridge, Capercailzie, Heath grouse (Black grouse) ruffed grouse or partridge, grey, red, fox or

black squirrel or wild turkey, except that they shall have been imported from other states as hereinafter provided for and then only between the 1st day of October and the 1st day of February of the following year. And it shall further be unlawful for any person, corporation or carrier to receive for transportation, to transport, carry, or convey any of the aforesaid quail, pinnated grouse, or prairie chicken, ruffed grouse or partridge, squirrel, duck, goose, brant, Mexican Blue quail, California Mountain quail, California Valley quail, Hungarian Partridge, Capercailzie, Heath grouse (black grouse) or wild turkey that shall have been caught, ensnared, entrapped or killed within the limits of this State, knowing the same has been sold, or to transport, carry or convey the same to any place where it is to be sold or offered for sale, or to any place outside of this State for any purpose, except such person have a license from this State so to do. And any person guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and shall stand committed to the county jail not exceeding ten days or until such fine and costs are paid: *Provided*, that the buying, selling or exposing for sale, having in possession for sale, transporting or carrying and conveying contrary to the provisions of this section, of each and every animal or bird forbidden herein shall be deemed a separate offense.

§ 3. Any person who shall, within the State, kill or catch or have in his or her possession, living or dead, any wild bird or part of bird, other than a game bird, English sparrow, crow, crow-blackbird or chicken hawk, or who shall purchase, offer or expose for sale any such wild bird or part of bird, after it has been killed or caught, shall for each offense be subject to a fine or five dollars for each bird killed or caught or had in his or her possession, living or dead, and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days: *Provided, further*, that nothing in this section shall be construed to prevent the owner or occupant of lands from destroying any such birds or animals when deemed necessary by him for the protection of fruits or property. For the purpose of this Act the following only shall be considered game birds; The *Anatidae*, commonly known as swans, geese, brant, river and sea ducks; the *Ballidae*, commonly known as rail and *Callinules* and *Limicolae*, commonly known as shore birds, plovers, surf birds, snipe, woodcock and pipers, tatlers and curlews; the *Colinae*, commonly known as wild turkeys, grouse, prairie chicken, pheasants, partridges, quail and mourning doves.

§ 4. It shall be unlawful for any person or persons to destroy or remove from the nests of any prairie chicken, grouse, quail, wild turkey, Hungarian partridge, Mexican Blue quail, California Valley quail, California Mountain quail, duck, goose or brant, any egg or eggs of such fowl or wild bird, or for any person to buy, sell or have in possession or traffic in such eggs or wilfully destroy the nests of such birds or fowls, or any or either of them. Any person so offending shall, on conviction, be fined five dollars for each offense.

§ 5. No person or persons shall, at any time, with trap, snare or net, take or attempt to trap, ensnare or net any wild turkey, prairie chicken, quail, grouse, pheasant, Mexican Blue quail, Hungarian partridge, California Valley quail or California Mountain quail at any time, except as hereinbefore provided; and every person so offending shall, on conviction, be fined in a sum not less than ten dollars nor more than twenty-five dollars and costs of suit, and shall stand committed to the county jail until such fine is paid: *Provided*, that such imprisonment shall not exceed fifteen days.

§ 6. No person or persons shall buy, sell or expose for sale, or have in his or their possession for the purpose of selling or exposing for sale, any of the animals, wild fowl or birds mentioned in section 1 of this Act, after the expiration of five days next succeeding the first day of the period in which it shall be unlawful to kill, entrap or ensnare such animals, wild fowl or birds; nor shall any of such animals, wild fowl or birds be sold or offered for sale during the first two days of the open season. Any person so offending shall, on conviction, be fined and dealt with as specified in section 1 of this Act, and the buying, selling or exposing for sale, or having the same in possession for the purpose of selling or exposing for sale, any of the animals or birds mentioned in this section, after the expiration of the time mentioned in this section, shall be *prima facie* evidence of the violation of this Act: *Provided*, that the provisions of this section shall not apply to the killing of birds by or for the use of taxidermists, for preservation either in public or private collections, if so preserved: *Provided, further*, that nothing contained in this section shall be construed as modifying or being in conflict with section 2 of this Act, or authorizing or legalizing the sale, or exposing for sale, transportation or receiving for transportation, any of the animals, birds or game as therein prohibited. *And, provided, also*, that the inhabitants of this State may receive game from other states and expose and sell the same on the market between the 1st day of October and the 1st day of February of each year.

§ 10. That it shall be unlawful for any person in the State of Illinois, for and during the period of ten years from and after the passage of this Act to injure, take, kill, expose or offer for sale, or have in possession, except for breeding purposes, any wild buck, doe or fawn: *Provided*, that any person who breeds and raises deer for market, where the same has been bred and raised within an enclosure, may kill and sell the same at any time, in the same manner as other domestic animals; and for six years from and after the 1st day of July, 1907, any wild turkey, English ring neck pheasant, Chinese ring neck pheasant, Green Japanese pheasant, Copper pheasant, Soemmering pheasant, Tropicana pheasant, Silver pheasant, Golden pheasant, Reeves pheasant, Elliott pheasant, Hungarian pheasant, Swinhoe pheasant, Amherst pheasant, Melanote pheasant, Impeyan pheasant, or Argus pheasant; or any Caccabis and Chucker partridge, or any sand grouse and Black Indian partridge: *Provided*, that cock pheasants may be killed and sold from the 1st day of November to the 31st day of December (both inclusive), of each and every year, by the

breeders thereof, upon a permit issued to them by the State Game Commissioner. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, and in default of the payment of the fine imposed shall be imprisoned in the county jail at the rate of one day for each dollar of the fine imposed. The one-half of all the fines imposed and collected under this Act shall be paid to the informer and the balance shall be paid to the Game Protection Fund.

§ 12. Any person, who shall, within the State of Illinois, take or needlessly destroy the nest or the eggs of any wild game or birds, or shall have such nests or eggs in his or her possession, shall be subject for each offense to a fine of five dollars and costs of suit and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days.

§ 16. In order that the provisions of this Act may be more fully carried out, the Governor of the State shall appoint one State Game Commissioner whose term of office shall be for the period of incumbency of the Governor appointing him, or until his successor is appointed, whose duty it shall be to secure the enforcement of all the statutes of the State for the preservation of game and birds, or bring, or cause to be brought, actions and proceedings in the name of the People of the State of Illinois, to recover any and all fines and penalties provided for in such laws relating to game and birds, and to prosecute all violators of said statutes. The State Game Commissioner is empowered to appoint, by and with the approval of the Governor, sixteen game wardens, who shall have no other employment or business. They shall devote their entire time to the work of game protection and shall travel over the State in all seasons for this purpose, under the direction of the State Game Commissioner. Such appointments shall be for efficient service only, and regardless of political influence. The State Game Commissioner is also authorized to appoint one or more (and not to exceed three) deputy game wardens for each county of the State, and as many special deputy game wardens as in his opinion is necessary for the proper enforcement of the law. They shall have authority with the State Game Commissioner in the enforcement of the game laws of the State relative to game and birds throughout the State, and shall be immediately responsible to the State Game Commissioner and shall report to and receive their instructions from him. Such game wardens and deputy game wardens shall be subject to removal by the State Game Commissioner at any time.

§ 18. Such State Game Commissioner shall receive a salary of twenty-five hundred dollars per year and his actual expenses and disbursements while traveling in the line of his duties. He shall also be allowed such printing, stationery, postage, office rent, office furniture and supplies, clerical and other assistance, not to exceed ten employes, as is necessary to enable him to properly perform the duties of State Game Commissioner and carry out the provisions of this Act. The State game wardens provided for in this Act shall receive

nine hundred dollars per annum, payable monthly. In addition to the salary per annum provided for, such game wardens shall receive their actual and necessary expenses incurred while working under the direction of the State Game Commissioner. The deputy game wardens appointed for any county shall receive a per diem, when actually employed, not exceeding two dollars per day, and necessary traveling expenses, to be fixed by the State Game Commissioner. Special game wardens appointed under this Act shall serve without pay, except that they shall receive one-half of all fines recovered for violations of this Act in cases where they have filed the complaint. The deputy game wardens shall also receive one-half of all fines recovered for violations of this Act in cases where they file the complaint; the remaining one-half of the fine to be paid into the State game protection fund. And in cases where the violator does not pay a fine, but is committed to jail, said deputy and special game wardens shall be reimbursed for their actual expenses; but such expenses shall not be paid in any case other than game cases or cases relating to license. Should the State game protection fund become exhausted during any year, the State Game Commissioner shall have the power and authority to suspend any number or all game wardens or deputies until such fund is again replenished. Should at any time a surplus accumulate in the State game protection fund, over and above the amount necessary for the operating expenses of the department, the State Game Commissioner shall have the power and authority to use such surplus for the purchase and propagation of quail, prairie chickens, pheasants and other game birds and animals, for the purpose of restocking sections of the State in which there exists a scarcity of the above mentioned game birds, and for exterminating crows and hawks.

All moneys used for the payment of salaries, expenses and other disbursements mentioned in this section, including the salary of the State Game Commissioner, shall be taken from and charged to the State game protection fund, and the Auditor of Public Accounts is hereby authorized and directed to draw warrants for the same upon the presentation of proper vouchers certified to by the State Game Commissioner and approved by the Governor, and the State Treasurer shall pay the same out of the State game protection fund.

§ 25. For the purpose of increasing the State game protection fund and preventing unauthorized persons from killing game and birds, no person or persons shall at any time hunt, pursue or kill, with gun, rabbits or any of the wild animals, fowl or birds that are protected during any part of the year, without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful. Said license shall be procured from any county, city or village clerk in the following manner, to-wit: The applicant shall fill out a blank application to be furnished by the State Game Commissioner, through the clerk of each county, city or village, stating name, age, occupation and place of residence of applicant; said application shall be subscribed and sworn to by the applicant before said county, city or village clerk; and it is hereby expressly provided that if said county, city or village clerk fails to

administer the oath, as herein provided, or ante-dates any license, he shall be subject to the fine herein provided for each and every offense, the same to be recovered in any court of competent jurisdiction. And said applicant, if a non-resident of the State of Illinois, shall pay to the county clerk the sum of fifteen dollars as a license fee, together with the sum of fifty cents, as the fee of said county clerk for administering the oath to the applicant and issuing said license; and if a resident of the State of Illinois, shall pay to the county, city or village clerk the sum of seventy-five cents as a license fee, together with the sum of twenty-five cents as the fee of said county, city or village clerk for administering the oath to the applicant and issuing said license. Said license shall bear the signature of the State Game Commissioner and the seal of the county, city or village in which the same is issued, and be countersigned by the said clerk. And such licensee, if a non-resident, is hereby authorized to take from the State fifty birds of all kinds killed by himself or herself, which shall be carried openly for inspection, together with his or her license. The number of game birds that may be killed in any one day by one person is hereby limited to twenty ducks, geese, brant, coots, rail and other water fowl, and fifteen game birds of any other one kind, except ruffed grouse (partridge), pinnated grouse (prairie chicken), Mexican Blue quail, California Valley quail, California Mountain quail, wild turkey, English ring neck pheasants, Chinese ring neck pheasants, Green Japanese pheasants, Copper pheasants, Soemmering pheasants, Trogan pheasants, Silver pheasants, Golden pheasants, Reeves pheasants, Elliott pheasants, Hungarian pheasants, Swinhoe pheasants, Amherst pheasants, Melanote pheasants, Impeyan pheasants and Argus pheasants. The number of squirrels that may be killed in any one day by one person is hereby limited to fifteen.

The license fee above provided for shall be paid by the said clerk to the State Treasurer at the end of each month, and shall be placed to the credit of a fund to be known as the State game protection fund, and shall be disbursed by the State Treasurer on vouchers certified to by the State Game Commissioner and approved by the Governor and filed with the Auditor of Public Accounts, who shall draw his warrant therefor on the State Treasurer.

Every license issued shall be signed by the licensee in ink, and as aforesaid, shall entitle the person to whom issued to hunt, pursue and kill game within the State at any time when it shall be lawful to hunt, pursue and kill such game; and no person to whom a license has been issued shall be entitled to hunt, pursue or kill game or rabbits in this State without at the time of such hunting, pursuing and killing of game, he or she shall have such license in his or her name and upon his or her person, ready to exhibit the same for inspection, and such license shall be void after the first day of June next succeeding its issuance: *Provided*, that the owner or owners of farm lands, their children or tenants, shall have the right to hunt and kill game on the farm lands of which he or they are the *bona fide* owners or tenants during the season when it is lawful to kill game, without procuring such resident license.

Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than fifty dollars for each and every offense, and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for each offense; or such person may be proceeded against in an action of debt in the name of the People of the State of Illinois, for the recovery of the penalty herein prescribed.

§ 31. No person shall, in this State, at any time use a ferret for the purpose of hunting, capturing or killing any game, animals or rabbits. Any person convicted of violating this section shall be fined in the sum of not less than five dollars nor more than fifteen dollars, and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days.

APPROVED May 28, 1907.

FLAGS.

IMPROPER USE PROHIBITED.

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| <p>§ 1. Desecration, mutilation or improper use—penalty.</p> <p>§ 2. Definitions.</p> | <p>§ 3. Presumptive evidence.</p> <p>§ 4. Prosecutions.</p> <p>§ 5. Limitation of actions.</p> |
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(HOUSE BILL NO. 879. APPROVED MAY 25, 1907.)

AN ACT to prevent and punish the desecration, mutilation or improper use of the flag of the United States of America.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Any person who in any manner, for exhibition or display, shall after this Act takes effect, place or caused to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States or State flag of this State or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which after this Act takes effect, shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design or drawing or any advertisement of any nature or who shall, after this Act takes effect, expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale or to give away or for use for any purpose, any article or substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which after this Act takes effect, shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, color or ensign, to advertise, call attention to decorate, mark or distinguish the

article or substance on which so placed, or who shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by words or act, upon any such flag, standard, color or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars and costs, or by imprisonment for not more than thirty days, or both in the discretion of the court.

§ 2. The words flag, standard, color or ensign, as used in this Act, shall include any flag, standard, color or ensign or any picture or representation of either thereof, made of any substance or represented on any substance and of any size, evidently purporting to be either of said flag, standard, color or ensign of the United States of America, or a picture or a representation of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, of the flags, colors, standard, or ensign of the United States of America.

§ 3. The possession after this Act takes effect, by any person other than a public officer, as such, of any such flag, standard, color or ensign, on which shall be anything made unlawful at any time by this Act, or of any article or substance or thing on which shall be anything made unlawful at any time by this Act, shall be presumptive evidence that the same is in violation of this Act and was made, done or created after this Act takes effect and that such flag, standard, color, ensign or article, substance or thing, did not exist when this Act takes effect.

§ 4. All prosecutions under the provisions of this Act shall be brought by any person in the name of the People of the State of Illinois, against any person or persons violating any of the provisions of this Act, before any court of competent jurisdiction; and it is hereby made the duty of the State's attorneys to see that the provisions of this Act are enforced in their respective counties, and they shall prosecute all offenders on receiving information of the violation of any of the provisions of this Act; and it is made the duty of the sheriffs, deputy sheriffs, bailiffs, constables and police officers to inform against and prosecute all persons whom there is probable cause to believe are guilty of violating the provisions of this Act. One-half of the amount recovered in any penal action under the provisions of this Act shall be paid to the person making and filing the complaint in such action, and the remaining one-half to the school fund of the county in which the said conviction is obtained.

§ 5. All prosecutions under this Act shall be commenced within six months from the time such offense was committed, and not afterwards.

APPROVED May 25, 1907

GENERAL ASSEMBLY.

EXTRA TIME ALLOWED CERTAIN OFFICERS.

§ 1. Amends section 26, Act of 1877.

§ 26. As amended, engrossing and enrolling clerks and assistants may be allowed pay for ten days after adjournment—emergency.

(SENATE BILL No. 292. APPROVED MAY 11, 1907.)

AN ACT to amend section twenty-six (26) of "An Act to provide for the election and appointment of the officers and employes of the General Assembly of the State and to fix their compensation," approved May 28, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section twenty-six (26) of "An Act to provide for the election and appointment of the officers and employes of the General Assembly of the State and to fix their compensation," approved May 28, 1877, in force July 1, 1877, be and the same is hereby amended to read as follows:

§ 26. No officer or person elected or appointed by either branch of the General Assembly shall receive pay for services in excess of the number of days that the Legislature is in session: *Provided, however,* that the secretary of the Senate and his first assistant, and the clerk of the House, and his first assistant, the engrossing and enrolling clerk and his first and second assistant, may by resolution of that branch of the General Assembly of which he is an officer, be allowed pay for not exceeding ten days after the adjournment of the session, to finish up the work appertaining to their offices.

WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from and after its passage.

APPROVED MAY 11, 1907.

INSURANCE.

FIRE INSURANCE—COUNTY COMPANIES, LOSSES.

§ 1. Amends section 11, Act of 1901.

§ 11. Adjustment of loss or damage—committee of reference in case of dispute.

(HOUSE BILL No. 262. APPROVED MAY 17, 1907.)

AN ACT to amend section 11 of "An Act to organize and regulate county fire insurance companies," approved May 11, 1901, in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 11 of an Act entitled

"An Act to organize and regulate county fire insurance companies," approved May 11, 1901, in force July 1, 1901, be amended to read as follows:

§ 11. Each member of such company who may sustain loss or damage by fire or lightning shall immediately notify the president of such company, or in his absence, the secretary thereof, stating the amount of damage or loss claimed, and if not more than five hundred dollars (\$500), then the president and secretary shall proceed to ascertain the amount of such damage or loss, and proceed to adjust the same. If the claim for damage or loss shall be an amount greater than five hundred dollars (\$500), then the president of such company, or in case of his absence then the secretary thereof, shall forthwith appoint a committee of not less than three (3) disinterested members of the company to ascertain the amount of such damage or loss, and the committee thus appointed shall report the amount of such damage or loss to the directors of such company, who shall be convened by the president, or in his absence, by the secretary, and the directors shall approve or reject the report of such committee. If, in either case, there is a failure of the parties to agree upon the amount of such damage or loss, or the directors reject the report of the committee, the claimant shall appeal to the judge of the county in which the office of the company is located, whose duty it shall be to appoint three (3) persons as a committee of reference, who shall have full authority to examine witnesses, and to determine all matters in dispute, and shall make an award in writing to the president of such company, and such award shall be final. The pay of said committee shall be two dollars (\$2) per day for each day's service so rendered, and four (4) cents for each mile necessarily traversed in the discharge of their duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case said expenses shall be paid by the company. All adjusting committees shall have the power to administer oaths, examine witnesses and take acknowledgments.

APPROVED May 17, 1907.

FIRE INSURANCE—COUNTY COMPANIES, POLICIES.

§ 1. Amends section 8, Act of 1887.

§ 8. Property insured—policies
—duration — amount—
payment.

(HOUSE BILL NO. 482. APPROVED MAY 24, 1907.)

AN ACT to amend section 8 of an Act entitled "An Act to organize and regulate county fire insurance companies," approved June 6, 1887, in force July 1, 1887.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 8 of an Act entitled "An Act to organize and regulate county fire insurance companies," be amended to read as follows:

§ 8. Such companies may issue policies only on detached dwellings, barns (except livery, boarding and hotel barns), and other farm buildings, school houses and churches, and such property as may be properly contained therein, also other property on the premises and owned by the insured, also live stock (hay and grain in the stack) on the premises of the insured and anywhere in the territory of the company for any time not exceeding five years and not to extend beyond the limited duration of the charter, and for an amount not to exceed six thousand dollars on any one risk; said policies may cover loss of or damage to live stock, harness and vehicles, temporarily taken from the territory of the company, provided said live stock, harness and vehicles be not removed to exceed twenty-five miles from the territory of the company. All persons so insured shall give their obligations to the company binding themselves, their heirs and assigns, to pay their *pro rata* share to the company of the necessary expenses, and of all losses by fire or lightning which may be sustained by any member thereof during the time for which their respective policies are written, and they shall also, at the time of effecting the insurance, pay such percentage in cash and such other charge as may be required by the rules and by-laws of the company.

APPROVED May 24, 1907.

FRATERNAL INSURANCE—EXAMINATIONS AND STATEMENTS.

§ 1. Adds section 4a to Act of 1893.

§ 4a. Examination by superintendent—
expenses—publication of annual
statement.

(HOUSE BILL NO. 167. APPROVED MAY 23, 1907.)

AN ACT to amend an Act entitled, "An Act to provide for the organization and management of fraternal beneficiary societies for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other States doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith" (approved and in force June 22, 1893), by adding a section to be known as section 4-a.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled, "An Act to provide for the organization and management of fraternal beneficiary societies for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith" (approved and in force June 22, 1893), be and the same is hereby amended by adding a section to be known as section 4-a, as follows:

§ 4-a. The Insurance Superintendent may make or cause to be made an examination of the condition and affairs of any society, corporation, order or association, incorporated under the laws of this State, or having its principal office in this State, at least as often as once in two years, and all of the expenses of such examination except the salaries or compensation of the examiners shall be paid by the society, corporation, order or association examined, upon proper vouchers showing the amount and nature of such expenses furnished to such society, corporation, order or association by the Insurance Superintendent or by such examiners, and that from and after January 1, 1908, every such society, corporation, order or association organized under the laws of this State, shall annually publish its annual statement within thirty (30) days after the same has been filed in the office of the Insurance Superintendent, such publication to be made in the official publication or newspaper, of any such society, order, corporation or association, and if such society, order, corporation or association has no official publication, then in a secular newspaper of general circulation published in the county in which such society, order, corporation or association has its principal office. Every such society, corporation, order or association not organized under the laws of this State but doing business herein under the provisions of this Act shall furnish to the Insurance Superintendent a certified copy of such an examination made by the proper authority of its own state at least once in every two years, if requested, or oftener, if requested. In case of its failure to furnish said certified copy of examination on request, then the Insurance Superintendent may make, or cause to be made, an examination of any such society, corporation, order or association so failing as often as he may deem it necessary, the whole cost of such examination to be paid by the society, corporation, order or association so examined.

APPROVED May 23, 1907.

FRATERNAL INSURANCE—MANAGEMENT OF SOCIETIES.

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| § 1. Members only elected delegates, etc. | § 3. Failure to comply—license revoked. |
| § 2. By-laws amended by January 1, 1910. | |

(HOUSE BILL NO. 532. APPROVED MAY 23, 1907.)

AN ACT defining who may become delegates or who shall have any voice in the management of or legislate for any fraternal insurance society doing business in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person, other than a beneficiary member to be elected delegate, or shall have any voice in the management of the endowment or mortuary features or business of any fraternal insurance society doing business in the State of Illinois.

§ 2. All fraternal insurance societies doing business in the State of Illinois shall amend their by-laws so as to comply with the requirements of section 1 on or before the first day of January, 1910.

§ 3. Any fraternal insurance society failing to comply with the requirements of this Act shall be prohibited from doing business in this State, and it shall be the duty of the Superintendent of Insurance to revoke the license of any fraternal insurance society not incorporated under the laws of this State, and if incorporated under the laws of this State, to enjoin them from further continuing business, until the requirements of the provisions of this Act are complied with.

APPROVED May 23, 1907.

FRATERNAL INSURANCE—MEDICAL AND HOSPITAL SERVICE.

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| § 1. Authorizes creation of department—objects and purposes. | § 5. Certificate of adoption—approval by superintendent—filing and recording. |
| § 2. Special fund, how created and maintained. | § 6. Organization of department—officers—powers—bonds. |
| § 3. Trust fund—expenses. | § 7. Department declared charitable institution. |
| § 4. Adoption of Act. | |

(HOUSE BILL No. 829. APPROVED MAY 20, 1907.)

AN ACT empowering fraternal beneficiary societies organized and existing under and by virtue of the laws of the State of Illinois, to create, maintain and operate as a part of their organization, a department for the purpose of providing and furnishing to their sick, disabled and distressed members and their families, free medical, home, sanitorium and hospital service and treatment, and other material aid and assistance, and to create, maintain and disburse for such purposes, a trust fund to be raised by and from voluntary contributions, and declaring such departments to be charitable institutions, and competent as such to be named, and to take, as beneficiary by its members in certain cases.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any fraternal beneficiary society organized and existing under and by virtue of the laws of the State of Illinois, adopting the benefit of this Act, in the manner provided herein, may create, maintain and operate as a part of its organization, a department for the purpose of providing and furnishing to its sick, disabled and distressed members and their families, free medical, home, sanitorium and hospital service and treatment, and such other material aid and assistance as may be provided by such society in its laws, and the by-laws, rules and regulations governing such department, and for such purposes such societies may own, hold and lease real property and suitable buildings necessary to carry out any of the aforesaid objects and purposes, and create, maintain and disburse a special fund.

§ 2. Such special fund shall be created and maintained by and from voluntary gifts, contributions or payments made by the subordinate lodges of such societies, or by the individual members thereof,

or both, upon such terms and conditions as may be prescribed in and by the by-laws, rules and regulations adopted by the board of directors or managers of such department, and by and from such contributions from the expense fund of such society as may be authorized by the board of officers, managers or governing body of such society.

§ 3. Such special fund shall be used exclusively for the purposes for which it is created, and shall constitute a trust fund for such purposes. The expense of maintaining and operating such department shall be borne by, and paid from such special fund, and such fund and all the property of such department shall be held free and clear of, and shall not in any manner be used for, or be or become charged with, or liable for, the payment of any claims, debts or liabilities of such society; nor shall such society or any other of its funds or property, in any manner be used for, or be or become charged with, or liable for, the payment of any of the claims, debts or liabilities, or expense of maintaining or operating such department, except to the extent of the contributions from the expense fund of such society authorized in manner provided by section two of this Act.

§ 4. The board of officers, managers or governing body of any fraternal beneficiary society organized and existing under and by virtue of the laws of the State of Illinois, desiring to accept the benefit of the provisions of this Act on behalf of such society, shall adopt a resolution to that effect, and provide for the creation of a department of such society under the name therein designated, and shall then submit such resolution to a vote of all the subordinate lodges of such society, and on receiving the affirmative votes of not less than two-thirds of such lodges thereon, the provisions of this Act shall be thereby extended over, and this Act shall be in force and effect in such society when the provisions of section five of this Act shall be complied with.

§ 5. Any fraternal beneficiary society organized and existing under and by virtue of the laws of the State of Illinois, may accept the benefit of the provisions of this Act in manner provided by section four hereof, but such action shall not be of legal effect until a certificate subscribed and sworn to by the president, and attested by the secretary of such society under its corporate seal, setting forth the terms of the resolution, and the manner in which it was submitted to vote, together with the result of the vote thereon, shall have been submitted to and be approved by the Insurance Superintendent, and filed in the office of the Secretary of State, and a certified copy thereof be recorded in the office of the Recorder of Deeds in the county [in] which the certificate of incorporation of such society was recorded. Every such society having complied with the provisions of section four of this Act shall comply with the further provisions of this section, within ninety days thereafter.

§ 6. The management and operation of such department shall be exercised by a board of directors or managers of not less than nine members, as shall be provided by the by-laws of such department, and the officers shall consist of a president, secretary and treasurer and

such other officers and agents as shall be determined by the directors or managers, and the directors or managers may adopt by-laws, rules and regulations, which shall provide for the government of the officers and the affairs of such department, and the terms and conditions upon which the benefits thereof shall be furnished, but such by-laws, rules and regulations before the same shall be of force and effect, shall first receive the approval of the executive or managing committee of such society. The directors or managers may require of the officers and agents, bonds with such sureties and conditions as they shall deem proper. The officers shall hold their respective offices for the terms provided by the by-laws.

§ 7. Each such department, when organized in manner provided by this Act, is hereby declared to be a charitable institution, with all the rights, benefits and privileges given to charitable institutions under and by the constitution and laws of the State of Illinois, and such department is hereby declared to be competent to be named and to take as beneficiary in and by the benefit certificate of any member of such society having no wife or children living, under the provisions of the laws of the State of Illinois relating to fraternal beneficiary societies.

APPROVED May 20, 1907.

LIFE INSURANCE—ADDITIONAL INFORMATION.

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| § 1. Adds section 6a to Act of 1869. | § 6a. Additional information to superintendent. |
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(HOUSE BILL No. 780. APPROVED MAY 20, 1907.)

AN ACT to amend an Act entitled "An Act to organize and regulate the business of life insurance," approved March 26, 1869, in force July 1, 1869, by adding a section to be known as section 6a.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled "An Act to organize and regulate the business of life insurance," approved March 26, 1869, in force July 1, 1869, be, and the same is hereby amended by the addition of a section to be known as section 6a, as follows:

§ 6a. The Superintendent of Insurance of this State is authorized and empowered to add to the provisions and requirements of the blank referred to in section 6 of the Act of 1869 and to enlarge the blank provided in said Act and to call for such other and additional information as the said Superintendent of Insurance may deem desirable and necessary and all insurance companies doing business in this State shall be subject to such additional requirements and shall comply therewith and the failure so to do shall subject any company so failing to comply with such additional requirements to all of the penalties provided by said Act.

APPROVED May 20, 1907.

LIFE INSURANCE—DEPOSIT OF RESERVE AND REGISTRATION—1.

§ 1. Amends sections 1, 3 and 6, Act of 1899.

§ 1. Securities to be deposited with superintendent—valuations.

§ 3. Additional deposits.

§ 6. Withdrawing securities.

(SENATE BILL NO. 320. APPROVED MAY 23, 1907.)

AN ACT to amend sections 1, 3 and 6 of an Act entitled, "*An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State,*" approved April 18, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1, 3 and 6 of an Act entitled, "*An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State,*" approved April 18, 1899, in force July 1, 1899, be and the same are hereby amended to read as follows:

§ 1. That any life insurance company now incorporated or which may hereafter be incorporated under the laws of this State may deposit with the Insurance Superintendent in addition to the amount now required and authorized by law to be deposited with him, securities to any amount not less than \$10,000, which shall be legally transferred by it to him as Insurance Superintendent for the common benefit of all the holders of its registered policies and annuity bonds issued under the provisions of this Act which shall be held by him in trust for the purposes and objects specified herein. Such securities may include in addition to those authorized by law to be deposited with him under the provisions of "*An Act to organize and regulate the business of life insurance,*" approved March 26, 1869, in force July 1, 1869, certificates of deposit issued by any national bank or any bank or trust company organized under the laws of this State, and certificates of purchase acquired by such company through foreclosure proceedings instituted by it upon mortgages in which its funds have been lawfully invested, and duly recorded conveyances of unencumbered improved real estate lawfully acquired by such company accompanied by satisfactory evidence of ownership thereof, and the Insurance Superintendent shall hold the title to such real estate so conveyed to him in trust as aforesaid until other satisfactory securities in lieu thereof have been deposited with him whereupon he shall reconvey the same to such company. The Insurance Superintendent may cause such real estate to be valued and the company shall pay the reasonable expenses incurred in such valuation.

§ 3. Each company which shall have made the deposit herein provided for shall make additional deposits from time to time in amounts of not less than five thousand dollars, and of such securities as are permitted by section 1 of this Act to be deposited so that the market value of the securities deposited shall always be equal to the net value of the registered policies and annuity bonds issued by said company, less such liens (not exceeding such net value) as the company may have

against them. So long as any company shall maintain its deposit, as herein prescribed, at an amount equal to or in excess of the net value of its registered policies and annuity bonds as aforesaid, it shall be the duty of the Superintendent to sign and affix his seal to the certificates before mentioned on every policy and annuity bond presented to him for that purpose by any company so depositing.

§ 6. Any company depositing under the provisions of this Act may increase its deposits at any time by making additional deposits of not less than five thousand dollars of such securities as are authorized by this Act. Any such company whose deposits exceed the net value of all registered policies and annuity bonds it has in force, less such liens (not exceeding such net value) as the company may hold against them, may withdraw such excess, or it may withdraw any of said securities at any time by depositing others of equal value and of the character authorized by this Act in their stead: and so long as said company shall remain solvent and keep up its deposits, as herein required, it may collect the interest, coupons, rents and other income on the securities deposited as the same accrue.

APPROVED May 23, 1907.

LIFE INSURANCE—DEPOSIT OF RESERVE AND REGISTRATION—2.

1. Amends section 2, Act of 1899.

§ 2. When Act in force.

§ 2. Registration of policies and annuity bonds—duty of superintendent.

(HOUSE BILL NO. 205. APPROVED MAY 20, 1907.)

AN ACT to amend section 2 of an Act entitled "An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State." (Approved April 18, 1899, in force July 1, 1899.)

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 2 of an Act entitled "An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State," (approved April 18, 1899, in force July 1, 1899,) be and the same is hereby amended to read as follows:

§ 2. After making the deposit mentioned in the preceding section, no company shall issue a policy of insurance or endowment or an annuity bond, unless it shall have upon its face a certificate in the following words: "This policy is registered; and approved securities, equal in value to the legal reserve hereon, are held in trust by this department," which certificate shall be signed by the superintendent and sealed with the seal of his office. Such policies and bonds, shall be known as registered policies and annuity bonds, and a duplicate or copy of each kind, class and issue shall be kept in the office of the Insurance Superintendent. All policies and bonds of each kind and class issued, and the copies thereof filed in the office of the superintendent, shall have imprinted thereon some appropriate designating letter, combination of

letters or terms identifying the special form of contract, together with the year of adoption of such form, and whenever any change or modification is made in the form of contracts, policy or bond, the designating letters or terms and year of adoption thereon shall be correspondingly changed.

The superintendent shall prepare and keep such registers thereof as will enable him to compute their value at any time. Upon written proof attested by the president or vice president and secretary of the company which shall have issued such policies or annuity bonds, that any of them have been commuted or terminated, the superintendent shall commute or cancel them upon such register. The net present value of every policy or annuity bond, according to the standard prescribed in the laws of this State for the valuation of policies of life insurance companies, when the first premium shall have been paid thereon, less the amount of such liens, not exceeding such value as the company may have against it, shall be entered opposite the record of said policy or annuity bond in the register aforesaid at the time such record is made. On the first day of January of each year, or within sixty days thereafter, the superintendent shall cause the registered policies and annuity bonds of each company to be carefully revalued, and the actual value thereof at the time fixed for such valuation, less such liens, not exceeding such value as the company may have against it, shall be entered upon the register opposite the record of such policy or bond, and the superintendent shall furnish a certificate of the aggregate of such value to the company. It shall be the duty of the superintendent to cancel mutilated policies and annuity bonds issued by said companies, and register in lieu thereof other policies or bonds of like tenor and date.

§ 2. This Act shall take effect and be in force on and after January 1, 1908.

APPROVED May 20, 1907.

LIFE INSURANCE—DEPOSIT OF RESERVE AND REGISTRATION—3.

§ 1. Adds section 11 to Act of 1899.

§ 11. Discontinuance of deposit of reserve on Jan. 1, 1908—prior registration not affected.

(SENATE BILL NO. 508. APPROVED MAY 20, 1907.)

AN ACT to amend an Act entitled "An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State," approved April 18, 1899, in force July 1, 1899, by adding a section to be known as section 11.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That an Act entitled "An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State," approved April 18, 1899, in force July 1, 1899, be and the same is hereby amended by the addition of a section, to be known as section 11, as follows:*

§ 11. Any company making deposits and registering its policies and annuity bonds pursuant to this Act may on January first, 1908, cease to deposit the reserve upon and to register its policies and annuity bonds issued on and after said date. Such discontinuance must commence to take effect on January 1, 1908, and not thereafter. Nothing in this section contained shall be construed to extend to or affect any policy or annuity bond registered prior to said date, nor the obligation of the company issuing the same to maintain and increase the deposit thereon, in accordance with the provisions of this Act.

APPROVED May 20, 1907.

LIFE INSURANCE—DIVIDENDS BY MUTUAL COMPANIES.

§ 1. Amends section 14, Act of 1869.

§ 14. Distribution of surplus—
value of outstanding
policies.

(HOUSE BILL NO. 220. APPROVED MAY 23, 1907.)

AN ACT to amend section 14 of an Act entitled "An Act to organize and regulate the business of life insurance," approved March 26, 1869, in force July 1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 14 of an Act entitled "An Act to organize and regulate the business of life insurance," approved March 26, 1869, in force July 1, 1869, be and the same is hereby amended so as to read as follows:

§ 14. Life insurance companies doing business in this State which do business upon the principle of mutual insurance, or the members of which are entitled to share in the surplus funds thereof, may make distribution of such surplus as they have accumulated. In determining the amount of the surplus to be distributed, there shall be reserved an amount not less than the aggregate net value of all outstanding policies, computed in accordance with the provisions of section 10 hereof.

APPROVED May 23, 1907.

LIFE INSURANCE—FOREIGN COMPANIES.

§ 1. Amends section 16, Act of 1869.

§ 16. Deposit of securities or
certificate showing de-
posit in another state—
income.

(HOUSE BILL NO. 248. APPROVED MAY 20, 1907.)

AN ACT to amend section 16 of an Act entitled "An Act to organize and regulate the business of life insurance," (approved March 26, 1869, in force July 1, 1869.)

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 16 of an Act entitled "An Act to organize and regulate the business of life insurance," (approved March 26, 1869, in force July 1, 1869,) be and the same is hereby amended to read as follows:

§ 16. Every life insurance company incorporated by or organized under the laws of any other state of the United States or of any foreign government, before being authorized to transact business in this State, shall deposit with the Insurance Superintendent in his official capacity, securities of the amount and character required of similar companies incorporated under the laws of this State, or in lieu thereof shall furnish a certificate of deposit from the State official having custody of the securities showing to the satisfaction of said Insurance Superintendent that the corporation has the amount of funds required by this Act to be deposited by companies incorporated in this State invested in securities deposited with the superintendent of the insurance department, State Treasurer or other proper official of the state in which it is incorporated, if incorporated in the United States, or if a foreign corporation, then in some one of the states of the United States, and that the same are held for the benefit and security of the policyholders of such corporation in the United States, which certificate shall be renewed annually. The company depositing such securities as aforesaid shall have the right to receive the income thereof and at any time to exchange the same or any part thereof for other securities to be approved by the Insurance Superintendent.

APPROVED May 20, 1907.

LIFE INSURANCE—INVESTMENTS AND REAL ESTATE HOLDINGS.

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| § 1. What stocks, bonds, etc., may be purchased or held as collateral security—loans regulated—prohibits certain transactions and agreements. | § 2. Real estate holdings regulated. |
| | § 3. To what Act applies. |
| | § 4. Repeal. |

(SENATE BILL NO. 169. APPROVED MAY 20, 1907.)

AN ACT to regulate the investments of the funds and the real estate holdings of life insurance companies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on and after January 1, 1908, any life insurance company of this State, for the purpose of investing its capital, surplus and other funds, or any part thereof, may purchase and hold as collateral security or otherwise, and sell and convey any bonds or public stocks issued or created by the United States, or by this State, or by any of the other states of the United States or the District of Columbia, or any or either of them, or by any of the incorporated cities, counties, townships or other municipal corporations thereof, or bonds authorized to be issued by any commission appointed by the Supreme Court of this State, or invest said capital, surplus and other funds, or any part thereof, in bonds or notes secured by mortgages or trust deeds on unencumbered real estate located within said states, or the District of Columbia, or either of them, worth at least double the sum invested or loaned, or lend on or purchase mortgage bonds of railroad companies organized under the laws of said states, or the District of Columbia, or either of them, or operated therein, or

the capital stock, bonds, securities or evidences of indebtedness created by any corporation or corporations created under the laws of the United States, or of this or any other state, except the stock of mining companies and the stock of manufacturing companies commonly known as "industrials:" *Provided*, that no loan shall be made or retained on any of the above mentioned securities, except the bonds or stock issued or created by the United States or this State, exceeding ninety per centum of the market value thereof: *And provided, further*, that no purchase shall be made by any life insurance company of the stock of any other life insurance company, and that no loan shall be made by any company on its own stock; and any life insurance company of this State may, in addition to the foregoing, purchase for its own benefit any policy of insurance or other obligation of the company and any claims of policyholders, and may lend to the holders of policies of the company a sum not exceeding the reserve value of the policies at the time the loan is made, for the payment of which loan the policies and all profits thereon shall be pledged.

No investment or loan, except policy loans, shall be made by any such life insurance company, unless the same shall first have been authorized by the board of directors, or by a committee thereof charged with the duty of supervising such investment or loan. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company jointly with any other person, firm or corporation; nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of the board of directors.

§ 2. Every such life insurance company may acquire, hold and convey real property only for the following purposes and in the following manner:

First—Such as shall be requisite for convenient accommodation in the transaction of its business.

Second—Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due.

Third—Such as shall have been conveyed to it in satisfaction of debts previously contracted in course of its dealings.

Fourth—Such as shall have been purchased at sales on judgments, decrees or mortgages obtained or made for such debts.

All such real property specified in sub-divisions 2, 3 and 4 of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold and disposed of within five years after the company shall have acquired title to the same, or within five years after the same shall have ceased to be necessary for the accommodation of its business, and it shall not hold such property for a longer period unless it shall procure a certificate from the Insurance Superintendent that its interests will suffer materially by the forced sale thereof, in which event, the time for the sale may be extended to such time as the Insurance Superintendent shall direct in such certificate.

§ 3. This Act shall apply to all investments of the funds of domestic life insurance companies of every kind and character.

§ 4. All Acts and parts of Acts inconsistent herewith or in conflict with the provisions of this Act are hereby repealed.

APPROVED May 20, 1907.

LIFE INSURANCE—MISREPRESENTATIONS PROHIBITED.

§ 1. Prohibits false estimates or state- | § 2. Penalty.
ments of policy benefits.

§ 3. Repeal.

(SENATE BILL NO. 159. APPROVED MAY 20, 1907.)

AN ACT to prohibit misrepresentations by life insurance companies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no life insurance company doing business in this State and no officer, director or agent thereof shall issue or circulate or cause or permit to be issued or circulated, any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or the benefits or advantages promised thereby, or the dividends or shares of surplus to be received thereon, or shall use any name or title of any policy or class of policies misrepresenting the true nature thereof.

§ 2. Any company or individual violating any of the provisions of this Act shall be subject to a penalty of not less than twenty-five dollars nor more than five hundred dollars, to be recovered in any court having jurisdiction thereof in any action brought in the name of the People of the State of Illinois by the Attorney General, Insurance Superintendent or State's attorney of the county in which such violation occurs, said penalty when recovered to be paid into the county treasury of the county in which such recovery is had.

§ 3. All Acts and parts of Acts inconsistent herewith are hereby repealed.

APPROVED May 20, 1907.

LIFE INSURANCE—POLICY PROVISIONS.

§ 1. After Jan. 1, 1908, policies shall provide for the following:

- (1) Payment of premiums in advance.
- (2) Grace of one month.
- (3) What constitutes entire contract.
- (4) Adjustment where age is misstated.
- (5a) Participation in surplus.
- (5b) Deferred dividend policies reported to insurance superintendent.
- (5c) Exceptions.
- (6) Loans.
- (7) Stipulated insurance or cash value in case of default where term is over 20 years.
- (8) Table showing loan values and options.

(9) Reinstatements.

(10) Settlement of claims.

(11) Table of installments.

(12) Title on face and back.

§ 2. Provisions prohibited.

(1) Limitation of actions to less than 3 years.

(2) Policy effective before date of application.

(3) Fraudulent settlements.

(4) Forfeiture where indebtedness is less than loan value.

§ 3. Interest added to principal.

§ 4. Form of policy to be approved by superintendent.

§ 5. Policies may contain provisions of State under which company is organized.

§ 6. Exceptions.

§ 7. Repeal.

(SENATE BILL NO. 388. APPROVED MAY 20, 1907.)

AN ACT relating to the transaction of the business of life insurance in the State of Illinois, and regulating the conditions and provisions of policies of life insurance companies, organized under the laws of this State, or doing business herein.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That from and after January 1, 1908, no policy of life insurance shall be issued or delivered in this State or be issued by a life insurance company organized under the laws of this State, unless the same shall provide for the following:

(1) That all premiums after the first shall be payable in advance either at the home office of the company or to an agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be designated in the policy.

(2) For a grace of one month for the payment of every premium after the first year which may be subject to an interest charge, during which month the insurance shall continue in force: *Provided*, that if the insured shall die within the month of grace the unpaid premium for the current policy year may be deducted in any settlement under the policy.

(3) That the policy, together with the application therefor, a copy of which application shall be endorsed upon or attached to the policy and made a part thereof, shall constitute the entire contract between the parties and shall be incontestable after two years from its date, except for non-payment of premiums and except for violations of the conditions of the policy relating to the naval or military service in time of war: *Provided*, that the application therefor need not be attached to any policy containing a clause making the policy incontestable from date of issue.

(4) That if the age of the insured has been misstated the amount payable under the policy shall be such as the premium would have purchased at the correct age, or the premium may be adjusted and credit given to the insured or to the company, according to the company's published rate at date of issue.

(5a) That the policy shall participate in the surplus of the company, and any policy containing provisions for participation at the end of the first policy year, and annually thereafter, may also provide that each dividend shall be paid subject to the payment of the premium for the next ensuing year; and the insured under any annual dividend policy shall have the right each year to have the dividend arising from such participation paid in cash, and if the policy shall provide other dividend options, it shall further provide that if the insured shall not elect any such other options, the dividend shall be paid in cash. Such participation may, however, begin not later than the end of the 20th policy year.

(5-b) If any company shall issue any policies under the terms of which the payment of dividends is deferred later than the third policy year, such company shall furnish the Insurance Superintendent each year a statement showing the number and amount of all policies with deferred dividends in force at the beginning of the year for which the statement is made; of all such policies issued and revived or terminated during the said year with the mode of termination; and the number and amount of all such policies in force at the end of said year. Also a statement showing any and all amounts provisionally set apart, ascertained or calculated or held awaiting apportionment upon such policies at the beginning of said year, the additions made to the said fund during the year with the source from which such additions arose, the deductions made from the said funds during the year, with the reasons therefor and the amount of said fund at the end of the year; which shall be carried as a distinct and separate liability to such class of policies on and for which the sum was accumulated. Upon written request of the insured under any deferred dividend policy, after said policy shall have been in force more than three years, the company shall furnish said policy holder with a statement of the amount of surplus provisionally ascertained or set aside on such policy and held awaiting apportionment at the expiration of the deferred dividend period.

(5-c) The provisions of this section shall not apply to any form of paid up insurance or temporary insurance or pure endowment insurance, issued or granted in exchange for lapsed or surrendered policies, or to non-participating policies.

(6) That after three full years' premiums have been paid, the company, at any time, while the policy is in force, will loan, on the execution of a proper note or loan agreement by the insured, and on proper assignment and delivery of the policy and on the sole security thereof, at a specified rate of interest, a sum equal to, or at the option of the insured less than, the reserve at the end of the current policy year on the policy and on the dividend additions thereto, if any, (the policy to specify the mortality table and the rate of interest adopted for computing such reserve) less a specified percentage (not more than two and one-half) of the amount insured by the policy and of the dividend addi-

tions thereto, if any, and that the company will deduct from such loan value any existing indebtedness on or secured by the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year: *Provided*, that such loan may be deferred for not exceeding six months after the application therefor is made. No condition other than as herein provided shall be exacted as a prerequisite to any such loan. This provision shall not be required in term insurance, nor shall it apply to temporary insurance or pure endowment insurance, issued or granted in exchange for lapsed or surrendered policies.

(7) That in the event of default in premium payments, after premiums shall have been paid for three years, the insured shall be entitled to a stipulated form of insurance, the net value of which shall be at least equal to the reserve at the date of default on the policy and on dividend additions thereto, if any, (the policy to specify the mortality table and rate of interest adopted for computing such reserve) less, a specified percentage (not more than two and a half) of the amount insured by the policy and of existing dividend additions thereto, if any, and less any existing indebtedness to the company on or secured by the policy: *Provided*, that the policy may be surrendered to the company at its home office within one month of date of default for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid: *And, provided, further*, that the company may defer payment for not more than six months after the application therefor is made. This provision shall not be required in term insurance of twenty years or less.

(8) A table showing in figures the loan values, and the options available under the policies each year upon default in premium payments, during at least the first twenty years of the policy, beginning with the year in which such values and options become available. The specified percentage referred to in (6) and (7) need not be stated for the policy years included in the said table.

(9) That if in event of default in premium payments, the value of the policy shall be applied to the purchase of other insurance, and if such insurance shall be in force and the original policy shall not have been surrendered to the company and canceled, the policy may be reinstated within three years from such default, upon evidence of insurability satisfactory to the company and payment of arrears of premiums with interest.

(10) That when a policy shall become a claim by the death of the insured, settlement shall be made upon receipt of proof of death and of the interest of the claimant and not later than two months after the receipt of such proof.

(11) A table showing the amount of installments in which the policy may provide its proceeds may be payable.

(12) Title on the face and on the back of the policy, correctly describing the same.

§ 2. No policy of life insurance shall be issued or delivered in this State or be issued by a life insurance company organized under the laws of this State, if it contain any of the following provisions:

1. A provision limiting the time within which any action at law or in equity may be commenced to less than three years after the cause of action shall accrue.

2. A provision by which the policy shall purport to be issued or to take effect more than six months before the original application for the insurance was made.

3. A provision, that in event of the maturity of any policy after the expiration of the contestable period thereof, for any mode of settlement at maturity of less value according to the company's published rates therefor than in use than the amount insured on the face of the policy, plus dividend additions, if any, less any indebtedness to the company on or secured by the policy and less any premium that may, by the terms of the policy, be deducted.

4. A provision for forfeiture of the policy for failure to repay any loan on the policy, or to pay interest on such loan while the total indebtedness on the policy is less than the loan value thereof.

§ 3. In ascertaining the indebtedness due upon policy loans the interest, if not paid when due, shall be added to the principal of such loans, and shall bear interest at the rate specified in the note or loan agreement.

§ 4. No policy of life insurance shall be issued or delivered in this State or be issued by a life insurance company organized under the laws of this State until the form of the same has been filed with the Insurance Superintendent; and after the Insurance Superintendent shall have notified any company of his disapproval of any form, it shall be unlawful for such company to issue any policy in the form so disapproved. The Insurance Superintendent's action shall be subject to review by any court of competent jurisdiction.

§ 5. The policies of a life insurance company, not organized under the laws of this State, may contain any provision which the law of the state, territory, district or country under which the company is organized prescribes shall be in such policies when issued in this State, and the policies of a life insurance company organized under the laws of this State may, when issued or delivered in any other state, territory, district or country, contain any provisions required by the laws of the state, territory, district or country in which the same are issued, anything in this Act to the contrary notwithstanding.

§ 6. This Act shall not apply to annuities, industrial policies or to corporations or associations operating on the assessment or fraternal plan.

§ 7. All Acts and parts of Acts inconsistent with the provisions herewith are hereby repealed.

APPROVED May 20, 1907.

LIFE INSURANCE—SALARIES OF OFFICERS AND AGENTS.

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| § 1. Limitation of salaries—agreements regulated—pension prohibited. | § 2. Repeal. |
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(SENATE BILL NO. 158. APPROVED MAY 20, 1907.)

AN ACT relating to the salaries of officers and agents of life insurance companies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no domestic life insurance company shall pay any salary, compensation or emolument to any officer, trustee, or director thereof, nor any salary, compensation or emolument amounting in any year to more than five thousand dollars to any person, firm or corporation unless such payment be first authorized by a vote of the board of directors of such life insurance company; which vote shall be by roll call at a regular meeting of said board and which vote shall be duly recorded in the records of said company. No such life insurance company shall make any agreement with any of its officers, trustees or salaried employes, whereby it agrees that for any services rendered or to be rendered he shall receive any salary, compensation or emolument that will extend beyond a period of three years from the date of such agreement; and no officer, director or trustee, who is paid a salary for his services of more than one hundred dollars per month, shall receive any other compensation or emolument.

Provided, that the limitation as to time contained herein shall not be construed as preventing a life insurance company from entering into contracts with its agents, for the payment of renewal commissions. No such company shall grant any pension to any officer, director or trustee thereof or to any member of his family after his death.

§ 2. All Acts and parts of Acts inconsistent herewith are hereby repealed.

APPROVED May 20, 1907.

LIFE INSURANCE—VALUATIONS BY SUPERINTENDENT.

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| § 1. Superintendent to make annual valuations of all outstanding policies and all other obligations—terms and conditions of policies—reserve. | § 2. Repeal. | § 3. Assessment companies not included. |
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(HOUSE BILL NO. 234. APPROVED MAY 23, 1907.)

AN ACT to amend section 10 of an Act entitled, "*An Act to organize and regulate the business of life insurance,*" approved March 26, 1869, in force July 1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 10 of an Act entitled, "*An Act to organize and regulate the business of life insurance,*" (approved March 26, 1869, in force July 1, 1869,) be and the same is hereby amended to read as follows:

§ 10. When the actual funds of any life insurance company doing business in this State are not of a net value equal to the net value of its

policies according to the basis and minimum standards herein prescribed or authorized, it shall be the duty of the Insurance Superintendent to give notice to such company and its agents to discontinue issuing new policies within this State until such time as its funds have become equal to its liabilities, valuing its policies as aforesaid. Any officer or agent who, after such notice has been given, issues or delivers a new policy from and on behalf of such company before its funds have become equal to its liabilities as aforesaid, shall forfeit for each offense a sum not exceeding \$1,000.00.

The Insurance Superintendent shall annually make valuations of all outstanding policies, additions thereto, unpaid dividends and all other obligations of every life insurance corporation doing business in this State. All valuations made by him, or by his authority, shall be made upon the net premium basis. The legal minimum standard for valuation of contracts issued before the first day of January, 1908, shall be the Actuaries' or Combined Experience Table of Mortality with interest at 4 per centum per annum, and for valuation of contracts issued on or after said date shall be the American Experience Table of Mortality with interest at $3\frac{1}{2}$ per centum per annum. The superintendent may vary the standards of interest and mortality in the case of corporations from foreign countries as to contracts issued by such corporations in other countries than the United States, and in particular cases of invalid lives and other extra hazards; and value policies in groups, use approximate averages for fractions of a year and otherwise, and accept the valuation of the department of insurance of any other state or country if made upon the basis, and according to standards not lower than herein required or authorized, in place of the valuation herein required.

Policies issued by companies doing business in this State may provide for not more than one year preliminary term insurance by incorporating in the provision thereof specifying the premium consideration to be received, a clause plainly showing that the first year's insurance under such policies is term insurance, purchased by the whole or a part of the premium to be received during the first policy year.

If the premium charged for term insurance under a limited payment life preliminary term policy providing for the payment of all premiums thereon in less than 20 years from the date of the policy or under an endowment preliminary term policy, exceeds that charged for like insurance under 20 payment life preliminary term policies of the same company, the reserve thereon at the end of any year, including first, shall not be less than the reserve on a 20 payment life preliminary term policy issued in the same year and at the same age, together with an amount which shall be equivalent to the accumulation of a net level premium sufficient to provide for a pure endowment at the end of the premium-payment period equal to the difference between the value at the end of such period of such a 20 payment life preliminary term policy and the full reserve at such time of such a limited-payment life or endowment policy.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

§ 3. This Act shall not apply to corporations or associations operating on the assessment or fraternal plan.

APPROVED May 23, 1907.

LIBRARIES.

LIBRARY EMPLOYEES' PENSION FUND.

§ 1. Amends sections 8, 9, and 9½, Act of 1905.

§ 8. Death of contributor who has not been a beneficiary.

§ 9. Retirement from service upon due notice.

§ 9½. Statement of intent to be filed.

(HOUSE BILL NO. 382. APPROVED JUNE 3, 1907.)

AN ACT to amend an Act entitled "*An Act to provide for the formation and disbursement of a public library employes' pension fund in cities having exceeding 100,000 inhabitants,*" approved May 12, 1905, and in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 8, 9 and 9½ of an Act entitled "*An Act to provide for the formation and disbursement of a public library employes' pension fund in cities having a population exceeding 100,000 inhabitants,*" approved May 12, 1905, and in force July 1, 1905, be and the same are hereby amended so as to read as follows:

§ 8. Upon the death of any contributor who is not nor has been a beneficiary under this Act, the said board of trustees may pay an amount not exceeding one year's benefit to the widow or to the next of kin of such deceased contributor.

§ 9. Any person who has been an employé of said public library board for a period of twenty years or more, and is a contributor to said fund, may retire from the service of said public library board upon sixty days' notice to be given to said board of trustees (unless such notice is waived by said board of trustees), and become an annuitant under this Act: *Provided*, such person shall have contributed to said fund for a period of not less than five years, or shall have paid into said fund, at the time of becoming an applicant for retirement, the equivalent of five years' contributions thereto.

§ 9½. Every person who is in the employ of the board of directors of such library when this law goes into effect and who intends to become a beneficiary of the pension fund created thereby shall, on or before the fifteenth day of November succeeding the election of said board of trustees, file a statement of such intent with said board upon blanks prepared for that purpose. Every person who enters the service of the board of directors of such library after this law has taken effect and who intends to become a beneficiary under this Act, shall within six months after such entry file a statement of such intent with

said board of trustees upon blanks prepared for that purpose: *Provided*, any person in the employ of the board of directors of such library who may have failed or neglected to file, within the specified time, said intention to become a beneficiary under this Act may do so at any time within three years by paying into said pension fund an amount equivalent to the contributions which would have been paid to that date had the person become a contributor at the time the law became effective or at the date of his entry into the service of the board of directors of such library.

APPROVED June 3, 1907.

PROMOTION OF HISTORICAL RESEARCH.

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| § 1. Counties, cities, etc., may make appropriations for historic research and publications. | § 2. Printing and sale of publications authorized. |
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(HOUSE BILL No. 227. APPROVED MAY 20, 1907.)

AN ACT to provide for the promotion of historical research in the several counties of the State.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the several counties, cities, towns and villages in this State acting through their constituted authorities, shall have power to encourage and promote historical research within their respective jurisdictions by making reasonable appropriations for the publication of the proceedings of and such papers and other documents of historic interest as may be furnished by any historic or other society engaged in historic research, and for ascertaining and marking the location of ancient forts, villages, missions, military encampments, habitations of aborigines and other places of historic interest, and to provide for the manner in which and the purposes for which such appropriations shall be expended.

§ 2. The authorities of such counties, cities, towns and villages having so undertaken the publication of the proceedings, papers and documents mentioned in the first section of this Act shall have the power to cause the same to be printed or published in book or pamphlet form and to provide for the sale thereof at such prices as in their judgment will reimburse the cost of publication.

APPROVED May 20, 1907.

TRANSFER OF OFFICIAL RECORDS AUTHORIZED.

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| § 1. Amends Act of 1897. | § 2. Duty of officers having control of papers. |
| § 1. County and municipal authorities may transfer records, etc.—copies substituted. | § 3. Appropriations authorized. |

(HOUSE BILL No. 226. APPROVED MAY 25, 1907.)

AN ACT to amend an Act entitled, "*An Act to provide for the better preservation of official documents and records of historical interest*," approved June 9, 1897, in force July 1, 1897.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled, "An Act

to provide for the better preservation of official documents and records of historical interest," approved June 9, 1897, in force July 1, 1897, be and the same is hereby amended so as to read as follows:

§ 1. The board of supervisors or board of county commissioners, as the case may be, of every county, and the city council or board of trustees of every city, town or village in this State may, by order or resolution, authorize and direct to be transferred to the Illinois State Historical Society, the Illinois State Historical Library or to the State University Library at Urbana, Illinois, or to any historical society duly incorporated and located within their respective counties, such official papers, drawings, maps, writing and records of every description as may be deemed of historic interest or value, and as may be in the custody of any officer of such county, city, town or village. Accurate copies of the same when so transferred shall be substituted for the original when in the judgment of such county board, city council or board of trustees the same may be deemed necessary.

§ 2. It shall be the duty of the officer or officers having the custody of such papers, drawings, maps, writings and records to permit search to be made at all reasonable hours and under their supervision for such as may be deemed of historic interest, and whenever so directed by the board of supervisors or county board, city council or board of trustees of such county, city, town or village in the manner prescribed in the foregoing section to deliver the same to the trustees, directors or librarian or other officer of the library or society designated by said board of supervisors or county board, city council or board of trustees, as the case may be.

§ 3. The board of supervisors, county board, city council and board of trustees of the several counties, cities, towns and villages in this State shall have the power to make reasonable appropriations from their respective revenues for the purpose of carrying the provisions of this Act into effect.

APPROVED May 25, 1907.

LIENS.

LIEN OF HORSE-SHOER.

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| § 1. Lien upon animal shod—when lien shall not attach. | § 7. Personal service of process. |
| § 2. Filing claim for lien. | § 8. When defendant cannot be found. |
| § 3. What claim shall state—expiration. | § 9. Judgment and execution. |
| § 4. Fee for filing and recording claim. | § 10. Assessment of damages. |
| § 5. Evidence in proceeding to foreclose. | § 11. Sale under execution. |
| § 6. Proceedings to foreclose. | § 12. Sale subject to redemption. |

(SENATE BILL NO. 216. APPROVED MAY 28, 1907.)

AN ACT to protect horse-shoers and to subject the animals shod by them to a lien for the cost of shoeing the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person who at the

request of the owner or his authorized agent shall shoe or cause to be shod, by his employés any horse, mule, ox or other animal shall have a lien upon the animal shod for his reasonable charge for shoeing the same, and each lien conferred by this Act shall take the precedence of all other liens or claims thereon not duly recorded prior to recording claim of lien as hereinafter provided; but such lien shall not attach where the property has changed ownership prior to the filing of such lien.

§ 2. Any person desiring to secure the benefits of this Act shall within six months after the shoeing of such horse, mule, ox or other animal, file with the recorder of deeds in the county in which such animal is, a claim for lien in writing and under oath, setting forth therein his intetion to claim a lien upon such animal for his charges for shoeing the same.

§ 3. Such claim for lien shall state the name and residence of the person claiming the lien, the name of the owner, or reputed owner, of the animal sought to be charged with the lien and a description sufficient for identification of the animal upon which the lien is claimed and the amount due the claimant as near as may be over and above all legal setoffs. The claim for lien with the recorder of deeds, under the foregoing sections, shall expire and become void and of no effect, if suit is not brought to foreclose the same within three days after filing claim therefor.

§ 4. It shall be the duty of the recorder of deeds upon presentation to him, of any such claim for lien to file the same in his office, in the same manner as provided by law for the filing and recording of chattel mortgages, and he shall be entitled to charge and receive from the person filing such claim for a lien, a fee of twenty-five cents and no more.

§ 5. The original or a copy of such claim for lien filed as aforesaid, certified by the recorder of deeds, shall be received in evidence, in any proceeding taken to foreclose the lien herein provided for but only for the fact that such claim for lien was received and filed according to the endorsements of the recorder of deeds thereon and for no other fact.

§ 6. The person claiming such lien may commence suit to foreclose the same by summons in the usual form before any justice of the peace of the township or before any municipal court of the city in which the animal shod may be found. Such suit shall be against the person liable for the payment of the charges made by the claimant for the services rendered.

§ 7. If such summons be returned personally served upon the defendant, the same proceedings shall thereupon be had in all respects as in other suits commenced by summons in which there is a personal service of process, and judgment shall be rendered in such suit in like manner.

§ 8. If the officer returns such summons that the defendant can not be found in his county, the same proceedings shall thereupon be had in all respects as near as may be, as in suits commenced by attach-

ment in which there is not a personal service of process, upon the defendant, and judgment shall be rendered in such suit in like manner.

§ 9. If the plaintiff recover judgment in such suit, execution shall issue thereon in the same manner and with the like effect as upon judgments rendered in suits commenced by attachment, and the horse, mule, ox or other animal upon which the plaintiff holds such lien shall not be exempt from execution, but may be sold to satisfy such execution in the manner hereinafter provided.

§ 10. In all suits prosecuted under the provisions of this Act, the court, jury or justice of the peace, who shall try the same, or make an assessment of damages therein, shall in addition to finding the sum due to the plaintiff, also find that the same is due for the cost of shoeing the horse, mule, ox or other animal described in plaintiff's claim for lien and is a lien upon the same: *Provided, however*, that if the court, jury or justice of the peace shall find the amount due the plaintiff is not a lien upon the property described in the plaintiff's claim for lien, the plaintiff shall not be non-suited thereby if personal service of summons has been had upon the defendant, but shall be entitled to judgment as in other civil actions, but in such case, said plaintiff shall not recover or tax any costs other than those allowed and taxable in such case; and in those cases when the amount due is found to be a lien upon the property mentioned in plaintiff's claim for lien, the finding or verdict may be in the following form: "The court, jurors or justices, as the case may be, say that there is due to the plaintiff the sum of dollars from the said defendant and that the same is due for his reasonable charges for shoeing the animal mentioned in plaintiff's claim for lien and that the plaintiff has a lien upon said animal for said amount," and in such case the fee paid by the claimant to the recorder of deeds for filing his claim for lien shall be taxed as part of the costs of the suit.

§ 11. When the said lien shall be duly perfected as above provided, the horse, mule ox or other animal, as above provided, shall be sold under execution to satisfy said lien as follows: The justice of the peace or municipal court judge, shall at the time of rendering judgment in the suit tried before him and on the day of the trial, enter upon his docket an order designating the time and place at which such animal shall be sold under the execution. All such sales shall be for cash at public sale to the highest bidder and shall take place not less than three nor more than five days after the entry of the order of sale and shall be made by a constable of the county or by a bailiff of the municipal court of the city in which the sale takes place. The officer making the sale shall advertise the time and place of such sale together with the correct description of the animal to be sold by posting written or printed notices of such sale at three of the most public places of the township, city or village where such animal is found. The officer making such sale shall forthwith file with the justice of the peace or municipal court judge in whose court the judgment was entered a written statement of the amount realized from such sale and all proper items of expense in connection therewith and shall then pay from the proceeds of such sale in the order named to the parties entitled to receive the

same, all constable and bailiff's fees, all court costs, taxed in the suit, the amount of the judgment recovered by the plaintiff or claimant and the surplus, if any, he shall pay to the defendant in the suit or to his legal representative.

§ 12. All sales of animals under this Act shall be made subject to redemption by the owner of such animals or his legal representatives, such redemption to be made by paying to the officer making the sale, or to the judge or justice upon whose docket the sale was entered, the amount of the judgment and costs taxed in the proceeding including all court and constable's and bailiff's fees and costs of sale with five per cent interest on the judgment from date of sale to date of redemption. No redemption shall be made after the expiration of ninety days from the day of sale of the animal sought to be redeemed.

APPROVED May 28, 1907.

MEDICINE AND SURGERY.

PRACTICE OF MEDICINE.

§ 1. Adds sections 2a, 3a and 3b to Act of 1899.

§ 2a. Admission to medical college — preliminary education — standard fixed by State Board of Health.

§ 3a. License without examination.

§ 3b. Compensation of members paid from fees.

(HOUSE BILL NO. 813. APPROVED JUNE 4, 1907.)

AN ACT to amend "*An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named,*" approved April 24, 1899, in force July 1, 1899, by adding three new sections to said Act, to be known as section 2a, section 3a and section 3b.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled "*An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named,*" approved April 24, 1899, in force July 1, 1899, be amended by adding three new sections to be known as section 2a, section 3a and section 3b, to read as follows:

§ 2a. The State Board of Health shall be empowered to establish a standard of preliminary education deemed requisite to admission to a medical college in "good standing," and to require satisfactory proof of the enforcement of this standard by medical colleges, provided that the board shall not recognize examinations of applicants for admission to medical colleges that have been conducted by the faculty or officers of a medical college. The board shall also be empowered to determine the standing of literary or scientific colleges, high schools, seminaries, normal schools, preparatory schools, and the like, and the board may, in its discretion, accept as the equivalent of one or more of the sessions or terms prescribed in its requirements governing medical colleges in

"good standing," attendance in a literary or scientific college in "good standing" as evidenced by a degree from said institution, providing that the standards of said literary or scientific college are fully equal to those of the State University of Illinois.

§ 3a. The State Board of Health may, in its discretion, issue a license, without examination, on the payment of the proper fee, to a physician, who is a graduate of a medical college in good standing, and has been licensed in any county [country], state or territory, in which the requirements of medical registration are deemed by the State Board of Health to have been practically equivalent to the requirements of medical registration in force in Illinois, under the provisions of the Act to which this Act is an amendment: *Provided*, that such country, state or territory shall accord a like privilege to physicians who hold licenses issued by the Illinois State Board of Health. And the State Board of Health may also, in its discretion, issue a license, without examination, to a physician who is a graduate of a medical college in good standing, and has passed an examination before the United States Army, the United States Navy, or the United States Public Health and Marine Hospital Service.

§ 3b. For their services performed in the enforcement of this Act and the Act to which this Act is an amendment, the members of the State Board of Health shall receive a compensation of ten (10) dollars per day for each and every day actually spent in attending to the business of the board: *Provided*, that the board may fix a sum to be paid for each examination paper rated: *And, provided, further*, that all such compensation shall be paid from the fees received by the board and no part thereof shall be paid out of the State treasury.

APPROVED June 4, 1907.

PRACTICE OF PHARMACY—REVISION.

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| § 1. Amends sections 4, 5, 6, 8 and 14, Act of 1903. | § 6. Assistant registered pharmacist—who may be |
| § 4. Registered pharmacists. | § 8. Annual registration—fee—certificate—penalty. |
| § 5. Who may be registered pharmacists. | § 14. Adulteration—penalty—expert—prosecutions. |

(SENATE BILL NO. 394. APPROVED JUNE 3, 1907.)

AN ACT to amend sections four (4), five (5), six (6), eight (8), and fourteen (14) of an Act entitled, "An Act to regulate the practice of pharmacy in the State of Illinois, to make an appropriation therefor, and to repeal certain Acts therein named," approved May 11, 1901, in force July 1, 1901, as amended by Act approved May 13, 1903, in force July 1, 1903.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections four (4), five (5), six (6), eight (8) and fourteen (14) of an Act entitled, "An Act to regulate the practice of pharmacy in the State of Illinois, to make an appropriation therefor, and to repeal certain Acts therein named,"

approved May 11, 1901, in force July 1, 1901, as amended by Act approved May 13, 1903, in force July 1, 1903, be amended to read as follows:

§ 4. Registered pharmacists, by examination, must be persons not less than 21 years of age, of good moral character and temperate habits, and who have had four years' practical experience in compounding drugs in drug stores where the prescriptions of medical practitioners are compounded, or physicians holding certificates from the State Board of Health, and have passed a satisfactory theoretical and practical examination before the State Board of Pharmacy hereinafter mentioned. The said board, may, in their discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *Provided*, that such other state shall require a degree of competency equal to that required of applicants in this State. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars at the time of filing the application. The payment of said sum of money as aforesaid, shall entitle the applicant to take a second examination in case he fail in the first, but no more: *Provided*, said second examination is taken within six months of the first; and upon the payment of an additional five dollars in case the applicant passes a satisfactory examination, the secretary of the Board of Pharmacy shall issue to him a certificate as a registered pharmacist.

Actual time of attendance, but not to exceed two years, at any reputable school of pharmacy, college of pharmacy or department of pharmacy of a university, shall be accredited on the above required service under a registered pharmacist: *Provided*, that applicants are able to show by proper certificate from the school of pharmacy, college of pharmacy or department of pharmacy of a university which they have attended that their school work was satisfactory.

The State Board of Pharmacy shall makes rules to establish a uniform and reasonable standard of educational requirements to be observed by schools and colleges of pharmacy or pharmacy departments of universities, and said board may determine the reputability of schools, colleges and departments of pharmacy by reference to their compliance with such rules.

§ 5. Any person shall be entitled to registration as a local registered pharmacist and shall be deemed a registered pharmacist within the meaning of this Act who is of the age of 21 years or over, of good moral character and temperate habits, and who shall have had four years' service under a registered pharmacist and shall pass a satisfactory examination before the State Board of Pharmacy. Each applicant for registration as local registered pharmacist shall pay to the said board the sum of \$5.00 when his application is filed. The payment of said sum of money as aforesaid shall entitle the applicant to take a second examination in case he failed in the first, but no more: *Provided*, that said second examination is taken within six months after the first, and upon the payment of an additional \$5.00, in case the applicant

passes a satisfactory examination, the secretary of the State Board of Pharmacy shall issue to him a certificate as a local registered pharmacist. Said board shall have the right to refuse registration to applicants whose examinations and credentials are not satisfactory evidence of their competency. Said certificate shall be operative in and apply to the village, town, city, place or locality for which granted and no other.

Actual time of attendance, but not to exceed two years, at any reputable school of pharmacy, college of pharmacy or department of pharmacy of a university, shall be accredited on the above required service under a registered pharmacist: *Provided*, that applicants are to show by proper certificate from the school of pharmacy, college of pharmacy or department of pharmacy of a university which they have attended that their school work was satisfactory.

Provided, that no local registered pharmacist certificate shall be granted under this section for any village, town, or city, the population of which exceeds 1,500 according to the last federal census.

Provided, further, that any and all persons holding registered pharmacist time service certificates heretofore issued may have the same renewed from year to year in the same manner and under the same conditions as are provided herein for the renewal of registered pharmacist certificates.

§ 6. Any person shall be entitled to registration as an assistant pharmacist who is of the age of 18 years or over, of good moral character and temperate habits, and who shall have had three years' service under a registered pharmacist and shall pass a satisfactory examination before the State Board of Pharmacy. Each applicant for registration as assistant pharmacist shall pay to the said board the sum of five dollars when his application is filed. The payment of said sum of money as aforesaid shall entitle the applicant to take a second examination, in case he failed in the first, but no more: *Provided*, that said second examination is taken within six months of the first; and upon the payment of an additional five dollars, in case the applicant passes a satisfactory examination, the secretary of the Board of Pharmacy shall issue to him a certificate as a registered assistant pharmacist. Said board shall have the right to refuse registration to applicants whose examinations and credentials are not satisfactory evidence of their competency. Any assistant pharmacist shall have the right to act as clerk or salesman in a drug store or pharmacy during the temporary absence of the registered pharmacist.

Actual time of attendance, but not to exceed one year, at any reputable school of pharmacy, college of pharmacy or department of pharmacy of a university, shall be accredited on the above required service under a registered pharmacist: *Provided*, that applicants are able to show by proper certificate from the school of pharmacy, college of pharmacy or department of pharmacy of a university which they have attended that their school work was satisfactory.

§ 8. All certificates issued by the State Board of Pharmacy shall expire on the thirty-first day of December following the date of the issuance of same.

Every registered pharmacist engaged in the active practice of his profession shall annually, during the time he continues in such active practice, pay to the State Board of Pharmacy a renewal fee, to be fixed by said board, but which shall in no case exceed \$1.50 if paid between the first day of January and the first day of March of each year, nor \$3.00 if paid between the first day of March and the first day of April of each year, nor \$5.00 if paid between the first day of April and the first day of May of each year. The payment of such renewal fee shall entitle him to a renewal of his certificate.

Every assistant pharmacist engaged in the active practice of his profession shall annually, during the time he continues in such active practice, pay to the State Board of Pharmacy a renewal fee, to be fixed by said board, but which shall in no case exceed \$1.00 if paid between the first day of January and the first day of March of each year, nor \$2.00 if paid between the first day of March and the first day of April of each year, nor \$4.00 if paid between the first day of April and the first day of May of each year. The payment of such renewal fee shall entitle him to a renewal of his certificate. If the renewal fee for any certificate the holder of which is actively engaged in the practice of his profession be not paid by the first day of May of each year, such certificate is hereby declared null and void and the holder thereof may be reinstated as a registered pharmacist or assistant pharmacist only by passing a successful examination before the State Board of Pharmacy: *Provided*, that actual retirement from the profession of any registered pharmacist or assistant pharmacist for a period not exceeding five years, shall not deprive him of the right to renew his registration upon the payment of all lapsed fees.

The Board of Pharmacy may refuse registration, or renewal of certificates to, or may suspend the certificates of registered pharmacists, or assistant pharmacists, who are proven to be so addicted to the excessive use of stimulants or narcotics as to render them unsafe to handle or sell drugs, medicines and poisons, or who are proven not to be of good moral character.

If the holder of every certificate of pharmacy granted under the provisions of this Act shall refuse or neglect to conspicuously display the same in the drug store, pharmacy or department to which it applies, or if the registered pharmacist who conducts the drug store, pharmacy or department shall neglect or refuse to conspicuously display his name over the door or department, he shall be liable on conviction thereof to pay a penalty of not less than twenty dollars nor more than fifty dollars.

§ 14. No druggist or other person shall manufacture, compound, sell or offer for sale or cause to be manufactured, compounded, sold or offered for sale any medicine or preparation under or by a name recognized in the United States Pharmacopoeia or National Formulary for internal or external use, which differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of such manufacture, compounding, sale or offering for sale. Nor

shall any druggist or other person manufacture, compound, sell or offer for sale or cause to be manufactured, compounded, sold or offered for sale, any drug, medicine, chemical or pharmaceutical preparation, the strength or purity of which shall fall below the professed standard of strength or purity under which it is sold. Nor shall any druggist or other person being requested by means of a prescription, or in any manner, to sell, furnish or compound any drug, medicine, chemical or pharmaceutical preparation, substitute or cause to be substituted therefor, without notification to the purchaser, any other drug, medicine, chemical or pharmaceutical preparation. Any person violating any provision of this section upon conviction shall be liable to all the costs of the action and all the expenses incurred by the State Board of Pharmacy in connection therewith, and for the first offense shall be fined not less than ten dollars nor more than one hundred dollars, and for each subsequent offense shall be fined not less than seventy-five dollars nor more than one hundred and fifty dollars. The State Board of Pharmacy is hereby empowered to employ an analyst or chemist expert, whose duty it shall be to examine into any claimed adulteration, substitution or alteration, or other violation hereof, and report upon the result of his investigation, and, if such report justify such action, the board shall cause the offender to be prosecuted.

APPROVED June 3, 1907.

REGISTRATION OF NURSES.

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| § 1. Board of Examiners created—appointment—who eligible—term of office. | § 6. Who entitled to registration. |
| § 2. Organization of board—records—duties—compensation—expenses—report to Governor. | § 7. Unlawful practice defined. |
| § 3. Board to make rules to establish standard—filing and publication. | § 8. Construction of act. |
| § 4. Examinations—certificate to be recorded—fee for recording. | § 9. Certificates without examination. |
| § 5. Qualifications of applicants—fee. | § 10. Penalties. |
| | § 11. Certificates, how signed and attested. |
| | § 12. Revocation of certificate. |

(SENATE BILL NO. 269. APPROVED MAY 2, 1907.)

AN ACT relating to nurses and providing for their registration.

[SECTION I.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* SECTION I. A board to consist of five (5) graduate nurses, and to be known as the State Board of Examiners of Registered Nurses, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of the board shall be appointed by the Governor. At the time of their appointment they must be actual residents of the State. They shall be selected from nurses engaged in active work, who shall have been graduated for at least a period of five years from a reputable training school and who, during their course of training, shall have served for two (2) years in a general hospital, and who (except those appointed as the first members of the board) shall have been registered

under the provisions of this Act. Three (3) members of the board shall be selected from nurses who have had at least two (2) years' experience in educational work among nurses. The members of the board shall be appointed to hold office as follows: One (1) for one (1) year; two (2) for two (2) years; and two (2) for three (3) years from July 1, 1907. Upon the expiration of the term of office of a member, the Governor shall appoint a successor whose term of office shall be three (3) years, and shall fill each vacancy for the unexpired term. Each member of the board shall hold office until a successor is duly appointed.

§ 2. The members of the board shall, as soon as organized, and annually thereafter, elect from their number a president and a secretary who shall also be the treasurer. The treasurer, before entering upon the duties of the office, shall file with the Secretary of State a bond payable to the People of the State of Illinois in a sum to be fixed from time to time, and with sureties to be approved by the Governor, conditioned for the faithful discharge if the duties of the office. The board shall adopt rules not inconsistent with this Act to govern its proceedings. It shall adopt a seal and the secretary shall have the care and custody thereof. The secretary shall keep a record of all proceedings of the board, including a register of the names and addresses of all nurses duly registered under this Act, which shall be open at all reasonable times to public scrutiny. The board shall cause the prosecution of all persons violating any of the provisions of this Act and may incur necessary expenses in that behalf. The secretary of the board shall receive a salary which shall be fixed by the board. Each member of the board shall receive a compensation of ten dollars (\$10.00) for each day or fraction of a day in which such member is actually engaged in attendance upon the meetings of the board and in going to and coming from the place of meeting and all legitimate and necessary expenses incurred in attending such meetings. All expenses of the board, including such salary and compensation, shall be paid from fees received by the board and no part of the same shall be paid out of the State treasury. All moneys received in excess of the expenditures of the board shall be held by the treasurer as a special fund for meeting the expenses of the board and the cost of the annual reports of its proceedings. Such report shall be made to the Governor by December 15th in each year and shall contain a true account of all moneys received and disbursed by the board.

§ 3. Three (3) members of the board shall constitute a quorum. Special meetings of the board shall be called by the secretary upon written request of any two (2) members. The board shall from time to time adopt rules for the examination of applicants for registration in accordance with the provisions of this Act and shall from time to time adopt rules by which to establish a uniform and reasonable standard of instruction and training to be observed by training schools, and shall determine the reputability of such schools by reference to their compliance with such rules and in like manner may from time to time amend, modify and repeal such rules. The board shall, immediately upon the election of an officer, file with the Secretary of State a certi-

ificate thereof, giving the name and address of such officer and immediately upon the adoption of any rule shall file with the Secretary of State a certificate thereof setting out therein a copy of such rule, or in case of the repeal of a rule setting out fully such fact, and shall immediately publish such certificate in at least one journal devoted to the interests of professional nursing and mail a copy of such certificate to every applicant at the address appearing upon the records of the board and to every reputable training school in Illinois.

§ 4. It shall be the duty of the board to meet for the purpose of holding examinations not less frequently than twice a year. Notice of such meetings shall be given to the public press and to at least one journal devoted to the interest of professional nursing and by mail to every applicant and every reputable training school in Illinois at least thirty days prior to the meeting. At such meetings it shall be the duty of the board to examine all such applicants for registration under this Act as are required to be examined, and issue to each duly qualified applicant who shall have complied with the pertinent provisions of this Act the certificate provided for in this Act. Any person to whom a certificate of registration shall be issued shall within ninety (90) days thereafter cause the same to be recorded with the county clerk of the county in which such person resided at the time of application. Such person shall be prepared whenever requested to exhibit such certificate of registration or a certified copy thereof. The county clerk shall charge twenty-five cents for recording such certificate and for each certified copy thereof.

§ 5. Every applicant for registration shall be at least twenty-three (23) years old, of good moral character, and shall possess such further qualifications as may be prescribed from time to time by the board by rule: *Provided*, that no such rule shall be inconsistent with the provisions of this Act relating to those who shall make application prior to July 1, 1910. Every applicant shall make such proof of the necessary qualifications as shall satisfy the board thereof. Every application shall be made in writing in the true name of the applicant, in such form as may from time to time be prescribed by the board, and shall state the place of residence of and be signed by the applicant. The fee for acting on an application shall be ten dollars (\$10) and shall accompany the application, but every subsequent application of the same person shall be acted on without fee.

§ 6. Upon compliance with the pertinent provisions of this Act, nurses otherwise qualified shall be entitled to registration, as follows:

First. Without examination, provided they make application prior to July 1, 1910; (a) nurses who shall have graduated before said date and after January 1, 1897, from a reputable training school, connected with a general or special hospital, who at the time of graduation shall have received a course of at least two (2) years' training in such training school; (b) nurses who shall have graduated on or prior to January 1, 1897, from a reputable training school connected with a general hospital, who at the time of graduation shall have received a

course of one (1) year's training in such training school and who at the time of application shall have been engaged in nursing for five (5) years since their graduation; (c) nurses now in training in a reputable training school, connected with a general hospital, which now gives a course of at least two (2) years' training and who shall graduate therefrom.

Second. Nurses who at the time of application shall have been engaged in the actual practice of nursing for three (3) years, provided they pass an examination in practical nursing and provided they make application prior to July 1, 1910.

Third. Nurses who shall make application on or after July 1, 1910, and who at the time of application shall have graduated from a reputable training school, connected with a general hospital, requiring a systematic course of at least three years' training.

Fourth. Nurses who shall make application on or after July 1, 1910, and who at the time of application shall have graduated from a reputable training school, connected with a special hospital, requiring a systematic course of at least two years' training and who at the time of application shall have obtained in a reputable general hospital one (1) year's additional training in subjects not adequately taught in the training school from which they graduated, and shall pass an examination to determine their fitness and ability to give efficient care to the sick.

§ 7. It shall be unlawful hereafter for any person to practice or attempt to practice in this State as a registered nurse without a certificate from the board. Any person who has received such a certificate shall be styled and known as a registered nurse and shall be entitled to append the letters R. N. to the name of such person. No other person shall assume or use such title or the abbreviation R. N. or any other words, letters or figures to indicate that such person is a registered nurse.

§ 8. This Act shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family, nor to any person nursing the sick for hire who does not in any way assume or pretend to be a registered nurse, and this Act shall not be construed to interfere in any way with members of religious communities or orders which have charge of hospitals or take care of the sick in their own homes, provided such members do not in any way assume to be registered nurses.

§ 9. The board upon written application and upon the payment of ten dollars (\$10.00) as a registration fee may issue a certificate without examination to those who shall have been registered as registered nurses under the law of another state having requirements equivalent to those of Illinois.

§ 10. Any person violating any provision of this Act shall be guilty of a misdemeanor, and shall upon conviction be fined for each offense in a sum not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for the first offense, and not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each subsequent offense. Any person who shall wilfully make any

false representation to the board in applying for a license shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00).

§ 11. All certificates issued by the board shall be signed by all the members thereof, and shall be attested by the president and secretary.

§ 12. The board may revoke any certificate by a unanimous vote for dishonesty, gross incompetence, a habit rendering a nurse unsafe to be entrusted with or unfit for the care of the sick, conduct derogatory to the morals or standing of the profession of nursing, or any wilful fraud or misrepresentation practiced in procuring such certificate, provided the holder of such certificate shall have been given at least thirty (30) days' notice in writing of the specific charge against such holder and of the time and place of hearing the charge by the board, at which time and place the holder shall be entitled to be heard and to be represented by counsel. Upon the revocation of any certificate, the same shall be null and void, the holder thereof shall cease to be entitled to any of the privileges conferred by such certificate and it shall be the duty of the secretary of the board to strike the name of the holder thereof from the roll of registered nurses and to give notice of such revocation to the county clerk in whose office such certificate is recorded, and thereupon such county clerk shall note the fact of such revocation upon the record of such certificate.

APPROVED May 2, 1907.

MINES.

COAL MINES—ACT 1899 REVISED.

§ 1. Amends sections 6, 7, 8, 9, 18 and 19, Act of 1899.

§ 6. State Mining Board.

§ 7. Examinations.

§ 8. Certificates.

§ 9. Credentials.

§ 18. Duties of mine examiners.

§ 19. Ventilation.

(HOUSE BILL No. 473. APPROVED MAY 27, 1907.)

AN ACT to amend sections six (6), seven (7), eight (8), nine (9), eighteen (18), nineteen (19), of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by Acts approved May 13, 14, 1903, in force July 1, 1903, and as amended by Acts approved May 12, 13, 16, 1905, in force July 1, 1905.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections six (6), seven (7), eight (8), nine (9), eighteen (18), nineteen (19), of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as

amended by Acts approved May 13, 14, 1903, in force July 1, 1903, and as amended by Acts approved May 12, 13, 16, 1905, in force July 1, 1905, be and the same is hereby amended so as to read as follows, respectively:

THE STATE MINING BOARD.

§ 6. MANNER AND PURPOSE OF APPOINTMENT.] For the purpose of securing efficiency in the mine inspection service, and a high standard of qualification in those who have the management and operation of coal mines, the Governor, with the advice and consent of the Senate, shall appoint a board of examiners, to be known as the State Mining Board, whose duty it shall be to make formal inquiry into and pass upon the practical and technical qualifications and personal fitness of men seeking appointments as State Inspectors of Mines, and of those seeking certificates of competency as mine managers, as hoisting engineers and as mine examiners.

COMPOSITION OF BOARD.] (a) This board shall be composed of five members, two of whom shall be practical coal miners, one a practicing hoisting engineer, and two coal operators, one of whom shall be an expert mining engineer.

DATE AND TERM OF APPOINTMENT.] (b) Their appointment shall date from July 1, 1899, and they shall serve for a term of two years, or until their successors are appointed and qualified; they shall organize by the election of one of their number as president, and some suitable person, not a member, as secretary, after which they shall all be sworn to a faithful performance of their duties.

SUPPLIES FURNISHED BY SECRETARY OF STATE.] (c) The Secretary of State shall assign to the use of the board, suitably furnished rooms in the State House for such meetings as are held at the capitol, and shall also furnish whatever blanks, blank books, printing and stationery, the board may require in the discharge of its duties.

FREQUENCY OF MEETINGS.] (d) The board shall meet at the capitol in regular session on the second Tuesday in September of the year 1899, and biennially thereafter, for the examination of candidates for appointment as State inspectors of mines. For the examination of persons seeking certificates of competency as mine managers, hoisting engineers and mine examiners, the board shall hold meetings at such times and places within the State as shall, in the judgment of the members, afford the best facilities to the greatest number of probable candidates. Special meetings may also be called, whenever, for any reason, it may become necessary to appoint one or more inspectors. Public notice shall be given through the press or otherwise, announcing the time and place at which examinations are to be held.

RULES OF PROCEDURE.] (e) The examinations herein provided for shall be conducted under such rules, conditions and regulations as the members of the board shall deem most efficient for carrying into effect the spirit and intent of this Act. Such rules, when formu-

lated, shall be made a part of the permanent record of the board, and such of them as relate to candidates shall be published for their information, and governance prior to each examination; they shall also be of uniform application to all candidates.

EXAMINATIONS.

§ 7. FOR INSPECTORS.] (a) Persons coming before the State Mining Board as candidates for appointment as State inspectors of mines must produce evidence satisfactory to the board that they are citizens of this State, at least thirty years of age, that they have had a practical mining experience of ten years, and that they are men of good repute and temperate habits; they must also submit to and satisfactorily pass an examination as to their practical and technical knowledge of mining engineering and mining machinery and appliances, of the proper development and operation of coal mines, of ventilation in mines, of the nature and properties of mine gases, of the geology of the coal measures in this State, and of the laws of this State relating to coal mines.

NAMES CERTIFIED TO THE GOVERNOR.] (b) At the close of each examination for inspectors the board shall certify to the Governor the names of all candidates who have received a rating above the minimum fixed by the rules of the board as properly qualified for the duties of inspectors.

INSPECTORS APPOINTED.] (c) From those so named, the Governor shall select and appoint ten State inspectors of mines; that is to say, one inspector for each of the ten inspection districts provided for in this Act; or more, if, in the future, additional inspection districts shall be created, and their commissions shall for a term of two years from October first: *Provided*, that any one who has satisfactorily passed two of the State examinations for inspectors, and who has served acceptably as State inspector for two full terms, upon making written application to the board setting forth the facts, shall also be certified to the Governor as a person properly qualified for appointment; but no man shall be eligible for appointment as a State inspector of mines who has any pecuniary interest in any coal mine, either as owner or employé.

FOR MINE MANAGERS.] (d) Persons coming before the board for certificates of competency as mine managers must produce evidence satisfactory to the board that they are citizens of the State of Illinois, at least twenty-four years of age, that they have had at least four years' practical mining experience, and that they are men of good repute and temperate habits; they must also submit to and satisfactorily pass such an examination as to their experience in mines and in the management of men, their knowledge of mine machinery and appliances, the use of surveying and other instruments, the properties of mine gases, the principles of ventilation and the specific duties and responsibilities of mine managers, as the board shall see fit to impose.

FOR HOISTING ENGINEER.] (e) Persons seeking certificates of competency as hoisting engineers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-one years of age, that they have had at least two years' experience as fireman or engineer of a hoisting plant, and are of good repute and temperate habits. They must be prepared to submit to and satisfactorily pass an examination as to their experience in handling hoisting machinery, and as to their practical and technical knowledge of the construction, cleaning and care of steam boilers, the care and adjustment of hoisting engines, the management and efficiency of pumps, ropes and winding apparatus, and their knowledge of the laws of this State in relation to signals and the hoisting and lowering of men at mines.

FOR MINE EXAMINERS.] (f) Persons seeking certificates of competency as mine examiners must produce evidence satisfactory to the board that they are citizens of the State of Illinois, at least twenty-one years of age, and of good repute and temperate habits. They must be prepared to submit to and satisfactorily pass an examination as to their experience in mines generating dangerous gases, their practical and technical knowledge of the nature and properties of fire-damp, the laws of ventilation, the structure and uses of safety lamps, and the laws of this State relating to safeguards against fires from any source in mines.

CERTIFICATES.

§ 8. ISSUED BY THE BOARD.] (a) The certificates provided for in this Act shall be issued under the signature and seal of the State Mining Board, to all those who receive a rating above the minimum fixed by the rules of the board; such certificates shall contain the full name, age and place of birth of the recipient and the length and nature of his previous service in or about coal mines.

RECORD TO BE PRESERVED.] (b) The board shall make and preserve a record of the names and addresses of all persons to whom certificates are issued.

EFFECT OF CERTIFICATES.] (c) The certificates provided for in this Act shall entitle the holders thereof to accept and discharge the duties for which they are hereby declared qualified, at any mine in this State, where their services may be desired.

FOREIGN CERTIFICATES.] (d) The board may exercise its discretion in issuing certificates of any class, but not without examination, to persons presenting, with proper credentials, certificates, issued by competent authority in other states.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE MANAGERS.] (e) It shall be unlawful for the operator of any coal mine to employ, or suffer to serve, as mine manager at his mine, any person who does not hold a certificate of competency issued by a duly authorized board of examiners of this State: *Provided*, that whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated mine manager, he may

place any trustworthy and experienced man, subject to the approval of the State inspector of the district, in charge of his mine, to act as temporary mine manager for a period not exceeding thirty days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED HOISTING ENGINEERS.] (f) It shall be unlawful for the operator of any mine to employ, or suffer to serve, as hoisting engineer for said mine, any person who does not hold a certificate of competency issued by a duly authorized board of examiners of this State, or to permit any other to operate his hoisting engine except for the purpose of learning to operate it, and then only in the presence of the certificated engineer in charge, and when men are not being hoisted, or lowered: *Provided*, that whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated hoisting engineer, he may place any trustworthy and experienced man, subject to the approval of the State inspector of the district, in charge of his engines, to act as temporary engineer, for a period not to exceed thirty days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE EXAMINERS.] (g) It shall be unlawful for the operator of any mine to employ, or suffer to serve, as mine examiner, any person who does not hold a certificate of competency issued by the State Mining Board: *Provided*, that any one holding a mine manager's certificate may serve as mine examiner, and, whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated mine examiner, he may employ any trustworthy and experienced man, subject to the approval of the State inspector of the district, to act as temporary mine examiner for a period not to exceed thirty days. The employment of persons who do not hold certificates as mine managers, hoisting engineers, and mine examiners, shall in no case exceed the limit of time specified herein, and the State inspector shall not approve of the employment of such persons beyond the thirty-day limit.

CANCELLATION OF CERTIFICATES.] (h) The certificates of any mine manager, hoisting engineer or mine examiner, may be cancelled and revoked by the State Mining Board whenever it shall be established to the satisfaction of said board that the holder thereof has become unworthy of official endorsement, by reason of violations of the law, intemperate habits, manifest incapacity, abuse of authority, or for other causes satisfactory to said board: *Provided*, that any person against whom charges or complaints are made shall have an opportunity to be heard in his own behalf. And he shall have thirty days' notice in writing of such charges.

CREDENTIALS.

§ 9. An application [applicant] for any certificate herein provided for, before being examined, shall register his name with the secretary of the board, and file with him the credentials required by this Act, to-wit: An affidavit as to all matters of fact establishing his right to

receive the examination, and a certificate of good character and temperate habits signed by at least ten of the citizens who know him best in the place in which he lives.

DUTIES OF MINE EXAMINERS.

§ 18. TO ENTER AND EXAMINE ALL PLACES.] (a) A mine examiner shall be required at all mines. His duty shall be to visit the mine before the men are permitted to enter it, and, first, he shall see that the air-current is traveling in its proper course and in proper quantity. In order to correctly determine the quantity of air in circulation in different portions of the mine it is hereby made his duty to measure with an instrument for that purpose, the amount of air passing in the last cross-cut or break through of each pair of entries, or in the last room of each division in a long wall mine, and at all other points where he deems it necessary, the same to be noted in the daily book kept for that purpose. He shall then inspect all places where men are expected to pass or to work and observe whether there are any recent falls or obstructions in rooms or roadways, or accumulations of gas or other unsafe conditions. He shall especially examine the edges and accessible parts of recent falls and old gobs and air-courses. As evidence of his examination of all working places he shall inscribe on the walls of each, with chalk, the month and the day of the month of his visit.

To POST DANGER NOTICES.] (b) When working-places are discovered in which accumulations of gas, or recent falls, or any dangerous conditions exist, he shall place a conspicuous mark thereat as notice to all men to keep out, and at once report his finding to the mine manager. No one shall be allowed to remain in any part of the mine through which gas is being carried into the ventilating current, nor to enter the mine to work therein, except under the direction of the mine manager, until all conditions shall have been made safe.

To MAKE DAILY RECORD.] (c) The mine examiner shall make a daily record of the conditions of the mine, as he has found it, in a book kept for that purpose, which shall be preserved in the office for the information of the company, the inspector and all other persons interested, and this record shall be made each morning before the miners are permitted to descend into the mine.

VENTILATION.

§ 19. Throughout every coal mine there shall be maintained currents of fresh air sufficient for the health and safety of all men and animals employed therein, and such ventilation shall be produced by a fan, or some other artificial means.

AMOUNT OF AIR REQUIRED.] (a) The quantity of air required to be kept in circulation and passing a given point shall be not less than 100 cubic feet per minute for each person, and not less than 600

cubic feet per minute for each animal in the mine, measured at the foot of the downcast, and this quantity may be increased at the discretion of the inspector whenever, in his judgment, unusual conditions make a stronger current necessary. Said currents shall be forced into every working place throughout the mine, so that all parts of the same shall be reasonably free from standing powder smoke and deleterious air of every kind.

MEASUREMENTS.] (b) The measurements of the currents of air shall be taken with an anemometer at the foot of the downcast, at the foot of the upcast, and at the working face of each division or split of the air-current. And a record of such measurements shall be made and preserved in the office, as elsewhere provided for in this Act.

AIR CURRENTS TO BE SPLIT.] (c) The main current of air shall be so split or subdivided as to give a separate current of reasonably pure air to every 100 men at work, and the inspector shall have authority to order separate currents for smaller groups of men, if, in his judgment, special conditions make it necessary.

VENTILATION OF STABLE.] (d) The air-current for ventilating the stable shall not pass into the intake air-current for ventilating the working parts of the mine.

SELF-CLOSING DOORS.] (e) All permanent doors in mines, used in guiding [guiding] and directing the ventilating currents, shall be so hung and adjusted as to close automatically.

TRAPPERS.] (f) At all principal doorways, through which cars are hauled, an attendant shall be employed for the purpose of opening and closing said doors when trips of cars are passing to and from the workings. Places for shelter shall be provided at such doorways to protect the attendants from being injured by the cars while attending to their duties: *Provided*, that in any or all mines, where doors are constructed in such a manner as to open and close automatically, attendants and places for shelter shall not be required.

CROSS-CUTS.] (g) Cross-cuts shall be made not more than sixty feet apart, and no room shall be opened in advance of the last open cross-cut.

STOPPINGS.] (h) When it becomes necessary to close cross-cuts connecting the inlet and outlet air-courses in mines generating dangerous gases, the stoppings shall be built in a substantial manner with brick or other suitable building material laid in mortar or cement, if practicable, but in no case shall they be built of lumber, except for temporary purposes.

AUTHORITY OF INSPECTOR.] (i) Whenever the inspector shall find men working without sufficient air, he shall at once give the mine manager or operator notice and a reasonable time in which to restore the current, and upon his or their refusal or neglect to act promptly, the inspector may order the endangered men out of the mine.

APPROVED May 27, 1907.

COAL MINES—MAPS OR PLANS.

§ 1. Amends section 1, Act of 1899.

§ 1. As amended, fixes penalty for failure to provide map or plan.

(HOUSE BILL NO. 523. APPROVED MAY 25, 1907.)

AN ACT to amend section one (1) of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto and providing for the health and safety of persons employed therein," approved April 18, 1899, and in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto and providing for the health and safety for persons employed therein," approved April 18, 1899, and in force July 1, 1899, and the same is hereby amended to read as follows:

§ 1 (a) That the operator of every coal mine in this State shall make, or cause to be made, an accurate map or plan of such mine, drawn to a scale not smaller than two hundred feet to the inch, and as much larger as practicable, on which shall appear the name of the State, county and township in which the mine is located, the designation of the mine, the name of the company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point, and the scale to which the drawing is made.

(b) Every such map or plan shall correctly show the surface boundary lines of the coal rights pertaining to each mine, and all section or quarter section lines or corners within the same; the lines of town lots and streets; the tracks and side-tracks of all railroads, and the location of all wagon roads, rivers, streams, ponds, buildings, landmarks and principal objects on the surface.

(c) For the underground workings, said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine; all excavations, entries, rooms and cross-cuts; the location of the fan or furnace and the direction of the air currents, the location of pumps, hauling engines, engine planes, abandoned works, fire walls and standing water; and the boundary line of any surface out-crop of the seam.

(d) A separate and similar map, drawn to the same scale in all cases, shall be made of each and every seam which, after the passage of this Act, shall be worked in any mine, and the maps of all such seams shall show all shafts, inclined planes or other passage ways connecting the same.

(e) A separate map shall also be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map shall be drawn on transparent cloth or paper so that it can be laid upon the map of the underground workings, and thus truly indicate the local relation of lines and objects on the surface to the excavations of the mine.

(f) Each map shall also show by profile drawing and measurements, in feet and decimals thereof, the rise and dip of the seam from the bottom of the shaft in either direction to the face of the workings.

(g) The original or true copies of all such maps shall be kept in the office at the mine, and true copies thereof shall also be furnished to the State inspector of mines for the district in which said mine is located, and shall be filed in the office of the recorder of the county in which the mine is located, within thirty days after the completion of the same. The maps so delivered to the inspector shall be the property of the State, and shall remain in the custody of said inspector during his term of office, and be delivered by him to his successor in office; they shall be kept at the office of the inspector, and be open to the examination of all persons interested in the same, but such examination shall only be made in the presence of the inspector, and he shall not permit any copies of the same to be made without the written consent of the operator or the owner of the property.

(h) An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months prior to July 1, of every year, and the results of said survey, with the date thereof, shall be promptly and accurately entered upon the original maps and all copies of the same, so as to show all changes in plan or new work in the mine, and all extensions of the old workings to the most advanced face or boundary of said workings, which have been made since the last preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the said inspector and recorder, within thirty days after the last survey is made.

(i) When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a final survey of all parts of such mine, and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations and the most advanced workings of the mine, and their exact relation to the boundary or section lines on the surface.

(j) The State inspector of mines may order a survey to be made of the workings of any mine, and the results to be extended on the maps of the same and the copies thereof, whenever, in his judgment, the safety of the workmen, the support of the surface, the conservation of the property or the safety of an adjoining mine require it.

(k) Whenever the operator of any mine shall neglect or refuse, or, for any cause not satisfactory to the mine inspector, fail, for the period of three months, to furnish to said inspector and recorder, the map or plan of such mine or a copy thereof, or of the extensions thereto, as provided for in this Act such operator shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not more than one hundred dollars, and shall stand committed to the county jail until such fine is fully paid and in addition thereto, the inspector is hereby authorized to make or cause to be made an accurate map or plan of such mine at the expense of the owner thereof,

and the costs of the same may be recovered by law from the operator in the same manner as other debts by suit in the name of the inspector and for his use, and a copy of the same shall be filed by him with said recorder.

APPROVED May 25, 1907.

COAL MINES—PENALTIES FOR VIOLATIONS.

§ 1. Amends section 33, Act of 1899.

§ 33. As amended, allows \$10,000 as damages for loss of life.

(HOUSE BILL NO. 142. APPROVED MAY 17, 1907.)

AN ACT to amend section thirty-three (33) of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, be amended so as to read as follows:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section thirty-three of an Act entitled, "An Act to revise the laws in relation to coal mines, and subjects relating thereto and providing for the health and safety of persons employed therein," approved April 18, 1889, in force July 1, 1899, be amended so as to read as follows:

PENALTIES.

§ 33. FOR VIOLATING THIS ACT.] Any wilful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this Act, on the part of the person or persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any inspector in the discharge of the duties herein imposed upon him, or any refusal to comply with the instructions of (of) an inspector given by authority of this Act, shall be deemed a misdemeanor punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court: *Provided*, that in addition to the above penalties, in case of the failure of any operator to comply with the provisions of this Act in relation to the sinking of escapement shafts and the ventilation of mines, the State's attorney for the county in which such failure occurs, or any other attorney in case of his neglect to act promptly, shall proceed against such operator by injunction without bond, to restrain him from continuing to operate such mine until all legal requirements shall have been fully complied with.

Any inspector who shall discover that any section of this Act, or part thereof, is being neglected or violated, shall order immediate compliance therewith, and, in case of continued failure to comply,

shall, through the State's attorney, or any other attorney in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith through the penalties herein prescribed.

If it becomes necessary, through the refusal or failure of the State's attorney to act, for any other attorney to appear for the State in any suit involving the enforcement of any provisions of this Act, reasonable fees for the services of such attorney shall be allowed by the board of supervisors or county commissioners, in and for the county in which such proceedings are instituted.

For any injury to person or property, occasioned by any wilful violations of this Act, or wilful failure to comply with any of its provisions, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such wilful violation or wilful failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives not to exceed the sum of ten thousand dollars: *Provided*, that every such action for damages in case of death shall be commenced within one year after the death of such person.

APPROVED May 17, 1907.

COAL MINES—PLACES OF REFUGE.

§ 1. Amends section 21, Act of 1899.

§ 21. Refuge places in side walls along car and mule tracks.

(HOUSE BILL No. 250. APPROVED MAY 25, 1907.)

AN ACT to amend section 21 of an Act entitled, "*An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein*," approved April 18, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 21 of "*An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein*," approved April 18, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

§ 21. ENGINE PLANES.] (a) On all single track hauling roads wherever hauling is done by machinery and on all gravity or inclined planes, in mines, upon which the persons employed in the mine must use while performing their work or travel on foot to and from their work, places of refuge must be cut in the side wall not less than three feet in depth and four feet wide and five feet in height, and not more than twenty yards apart, unless there is a clear space of at least three feet between the side of the car and the side of the road, which space shall be deemed sufficient for the safe passage of men. On every

such road which is more than 100 feet in length, a code of signals shall be established between the hauling engineer and all points on the road, except where hauling is done by motors. A conspicuous light must be carried on the front of every trip or train of pit cars moved by machinery, except when such trip is on an inclined plane.

MULE ROADS.] (b) On all hauling roads or gangways on which the hauling is done by draft animals, or gangways whereon men are obliged to be in the performance of their duties or have to pass to and from their work, places of refuge must be cut in the side wall at least two and a half feet deep, four feet wide and five feet in height, and not more than twenty yards apart; but such places shall not be required in entries from which rooms are driven at regular intervals not exceeding twenty yards, and wherever there is a clear space of two and one-half feet between the car and the rib, such space shall be deemed sufficient for the passage of men. All places of refuge must be kept clear of obstructions and no material shall be stored nor be allowed to accumulate therein.

APPROVED May 25, 1907.

COAL MINES—POWDER AND BLASTING.

§ 1. Amends section 20, Act of 1899.

§ 20. As amended, operator may take in powder for next day's use—regulates use of explosives, depth of shot holes, etc.

(HOUSE BILL NO. 817. APPROVED MAY 18, 1907.)

AN ACT to amend section twenty (20) of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by Acts approved May 13 and 14, 1903, in force July 1, 1903, and further amended by Acts approved May 12, 13 and 16, 1905, in force July 1, 1905.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section twenty (20) of an Act entitled "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by an Act approved May 13, 1903, in force July 1, 1903, and further amended by an Act approved May 13, 1905, and in force July 1, 1905, be and the same is hereby amended to read as follows:

§ 20. No blasting powder, or other explosives shall be stored in any coal mine and no workman shall have at any time more than one twenty-five pound keg of black powder in the mine nor more than three pounds of high explosives, and in no case shall more than one kind of explosive be used in any one drill hole: *Provided*, that nothing in this section shall be construed to prevent the operator of any mine from taking into the mine, when miners are not therein, and

in electrically equipped mines, while the current is turned off on roadways through which it is transported, a sufficient quantity of powder for the reasonable requirements of such mine for the next succeeding working day.

PLACE AND MANNER OF STORING.] (a) Every person who has powder or other explosives in a mine shall keep the same in a wooden box securely locked, with hinged lid, and said box shall be kept as far as practicable from the track; and all powder boxes shall be kept as far as practicable from each other and each in a secluded place; nor shall black powder and high explosives be kept in the same box.

MANNER OF HANDLING.] (b) Whenever a workman is about to open a box or keg containing powder or other explosive, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive, and in such position that the air current cannot convey sparks to it, and no person shall approach nearer than five feet to any open box containing an open keg of powder or other explosive with a lighted lamp, lighted pipe or other thing containing fire. No miner, workman or other person shall open any keg, can or other container of blasting powder or other explosive with any pick, wedge, tool, or in any manner except by the means of opening the same provided by the manufacturer thereof, and it shall be unlawful, and a violation of this Act, for any person to have in his possession in any mine any keg, can or other container of blasting powder or other explosive, containing blasting powder or other explosive which has been opened in violation of this Act.

COPPER TOOLS.] (c) In process of charging and tamping a hole, no person shall use any iron or steel pointed needle. The needle used in preparing a blast shall be made of copper and the tamping bar shall be tipped with at least five (5) inches of copper. No coal dust nor any material that is inflammable, or that may create a spark, shall be used for tamping, and some soft material must always be placed next to the cartridge or explosive, whether the same be wet or dry, or that can create a spark in tamping, be used for tamping.

USE OF SQUIBS.] (d) A miner, workman or shot firer who is about to explode a shot with a manufactured squib shall not shorten the match thereof, or saturate it with mineral oil or ignite it except at the end; and he shall see that all persons are out of danger from the probable effects of such shots, and whether using squibs or fuse shall take measures to prevent any one approaching by shouting "fire" immediately before lighting the same.

NOT MORE THAN ONE SHOT AT A TIME.]. (e) Not more than one shot shall be ignited at the same time in any one working place, unless the firing is done by electricity or by fuses of such length that the interval between the explosions of any two shots shall not be less than one minute, and in no case shall any shot or shots be fired or lighted which are termed depending or dependent shots, until after the expiration of ten (10) minutes from the successful firing of such other shot or blast. When successive shots are to be fired in any working place in which the roof is broken or faulty, the smoke must be allowed to clear away and the roof must be examined and made secure between shots.

MISSED SHOTS.] (f) No person shall return to a missed shot if lighted with a squib until five (5) minutes have elapsed from the time of lighting the same, or if lighted with fuse, until the following day; and no person shall return to a missed shot when the firing is done by electricity unless the wires are disconnected from the battery.

DUSTY MINES.] (g) In case the galleries, roadways or entries of any mine are so dry that the air becomes charged with dust, the operator of such mine must have such roadways regularly and thoroughly sprayed, sprinkled or cleaned.

APPROVED May 18, 1907.

OIL OR GAS LEASES.

§ 1. Forfeited leases—penalty for failure to release of record. | § 2. Actions to compel release—judgment—costs.

(HOUSE BILL No. 450. APPROVED MAY 27, 1907.)

AN ACT for the purpose of compelling oil or gas leases, when forfeited, to be released of record and providing a penalty therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* When any lease on land heretofore or hereafter taken for the purpose of prospecting for oil or natural gas or operating oil or gas wells upon lands so leased, shall become forfeited by the terms of said lease or the acts of the lessee, it shall be the duty of the lessee, his, her or their successors or assigns within sixty days from the date this Act shall take effect, if such forfeiture take effect prior thereto and within sixty days from day of forfeiture of any and all other leases, to have such lease or leases released of record in the county where such land is situated, without any cost to the owner or owners of the land; and any failure so to do shall constitute a misdemeanor and shall subject the offender to a fine of not more than two hundred dollars.

§ 2. Whenever the lessee of any oil or natural gas lands or the person, firm, company or corporation, only holding or having control of any such lease shall allow the same to become forfeited, or by his, her or their acts shall forfeit the same, and shall refuse, fail or neglect to cause the same to be released of record, the lessor or owner of said lands, may begin a civil action to compel said party to release the same of record and upon judgment being rendered decreeing said lease forfeited and directing the release, the said lessee, or his assigns, shall be decreed to pay all costs by such action, including a reasonable attorney fee to be taxed as costs.

APPROVED May 27, 1907.

POWDER IN COAL MINES.

§ 1. Amends sections 1 and 2, Act of 1903.

§ 1. Quantity to be used.

§ 2. How determined and measured.

(HOUSE BILL NO. 873. APPROVED MAY 24, 1907.)

AN ACT to amend sections one (1) and two (2) of an Act entitled, "An Act concerning the use of powder in coal mines," approved and in force May 14, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1) and two (2) of an Act entitled, "An Act concerning the use of powder in coal mines," approved and in force May 14, 1903. be, and the same are hereby amended to read as follows:

§ 1. That in all coal mines in this State, where coal is blasted, the quantity of the powder to be used in the preparation of shots shall not, in any case, exceed five (5) standard charges full of powder in coal seams five and one-half ($5\frac{1}{2}$) feet or over in thickness; and shall not, in any case, exceed four (4) standard charges full of powder in coal seams under five and one-half ($5\frac{1}{2}$) feet in thickness.

§ 2. For the purpose of determining the quantity of powder, prescribed in section one (1) of this Act, to be used in the preparation of any given shot, a standard charger is defined and prescribed to be a cylindrical metallic charger not to exceed twelve (12) inches in length, and not to exceed one and one-half ($1\frac{1}{2}$) inches in diameter.

APPROVED May 24, 1907.

SHOT FIRERS IN MINES.

§ 1. Amends act of 1905.

§ 5. Drill holes not to be changed.

§ 2. In what mines shot firers are required—qualifications.

§ 6. Firing unlawful shot.

§ 3. Duties of shot firers.

§ 7. Order to fire unlawful shot.

§ 4. Duties of superintendent or manager.

§ 8. Violations—penalties.

(HOUSE BILL NO. 816. APPROVED MAY 20, 1907.)

AN ACT to amend an Act entitled "An Act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled "An Act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905, be and the same is amended to read as follows:

§ 2. In all mines in this State where coal is blasted, and where more than two pounds of powder is used for any one blast; and also in all mines in this State where gas is generated in dangerous quantities, a sufficient number of practical, experienced men to be desig-

nated as shot firers, shall be employed by the company and at its expense, whose duty it shall be to inspect and do all the firing of all blasts, prepared in a practical, workmanlike manner in said mine or mines.

§ 3. The shot firers shall, immediately after the completion of their work, post a notice in a conspicuous place at the mine, in which shall be indicated the number of shots fired; also the number of shots they did not fire, if any, specifying the number of the room and designation of the entry, and giving reasons for not firing the same. In addition they shall also keep a daily permanent record in which shall be entered the number of shots or blasts fired, the number of shots or blasts failing to explode, and the number of shots or blasts that in their judgment were not properly prepared and which they refuse to fire, giving reasons for the same, the record to be in the custody of the mine manager and to be available for inspection at all times by parties interested.

§ 4. The superintendent or mine manager shall not permit the shot firers to do any blasting, exploding of shots, or do any firing whatever until each and every miner and employé is out of the mine except the shot firers, mine superintendent, mine manager and man or men necessarily engaged in charge of the pumps and stables: *Provided however*, that nothing in this section shall be construed to prohibit the employment in such mine of a reasonably necessary number of men during such time for the purpose of securing the workings in case of fire therein.

§ 5. No miner or other person shall alter or change any drill hole, by increasing its depth, diameter or otherwise, after the same shall have been approved by the shot firer.

§ 6. No shot firer, whether voluntarily, or by command or request of any person, shall fire any unlawful shot, or any shot which in his judgment, exercised as aforesaid, from his inspection thereof, made as aforesaid, shall not be a workmanlike, proper and practical shot.

§ 7. No person or persons shall order, command or induce by threats, or otherwise, any shot firer to fire any unlawful shot, or any shot which in his judgment, after due inspection, shall not be a workmanlike, proper and practical shot.

§ 8. Any wilful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this Act on the part of the person or persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any person in the discharge of the duties herein imposed upon them, or any refusal to comply with the provisions of this Act, shall be deemed a misdemeanor, punishable by a fine not less than one hundred dollars and not to exceed two hundred dollars, or by imprisonment in the county jail for a period not exceeding three months, or both, at the discretion of the court: *Provided*, that whoever shall discover that any section of this Act, or part thereof, is being neglected or violated shall report

the same to the superintendent of the mines and ask immediate compliance therewith; and in case of continued failure to comply shall, through the State's Attorney, or any other attorney, in case of his failure to act promptly, take the necessary legal steps to enforce compliance herewith, through and by means of the penalties herein prescribed.

APPROVED May 20, 1907.

NEGOTIABLE INSTRUMENTS.

NEGOTIABLE INSTRUMENT LAW.

§ § 1-23. Form and interpretation.
 § § 24-29. Consideration.
 § § 30-50. Negotiation.
 § § 51-59. Rights of the holder.
 § § 60-69. Liabilities of parties.
 § § 70-87. Presentation for payment.
 § § 88-117. Notice of dishonor.
 § § 118-124. Discharge of negotiable instruments.

BILLS OF EXCHANGE.

§ § 125-130. Form and interpretation.

§ § 131-141. Acceptance.
 § § 142-150. Presentation for payment.
 § § 151-159. Protest.
 § § 160-169. Acceptance for honor.
 § § 170-176. Payment for honor.
 § § 177-182. Bills in a set.

PROMISSORY NOTES AND CHECKS.

§ § 183-188. Form, interpretation, acceptance, etc.

GENERAL PROVISIONS.

§ § 189-196. Definitions, etc.—repeal.

(HOUSE BILL NO. 839. APPROVED JUNE 5, 1907.)

AN ACT in regard to negotiable instruments payable in money.

ARTICLE I.—FORM AND INTERPRETATION.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* An instrument payable in money, to be negotiated, must conform to the following requirements:

1. It must be in writing and signed by the maker or drawer.
2. Must contain an unconditional promise or order to pay a sum certain in money.
3. Must be payable on demand or at a fixed or determinable future time.
4. Must be payable to the order of a specified person or to bearer; and,
5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

§ 2. The sum payable is a sum certain within the meaning of this Act, although it is to be paid:

1. With interest; or
2. By stated installments; or
3. By stated installments, with a provision that upon default in payment of any installment, or of interest the whole shall become due; or
4. With exchange, whether at a fixed rate or at the current rate; or

5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

§ 3. An unqualified order or promise to pay is unconditional within the meaning of this Act, though coupled with:

1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

§ 4. An instrument is payable at a determinable future time, within the meaning of this Act, which is expressed to be payable:

1. At a fixed period after date or sight; or

2. On or before a fixed or determinable future time specified therein; or

3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

§ 5. An instrument which contains an order or promise to do an act in addition to the payment of money is not negotiable under this Act. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or

2. Authorizes a confession of judgment; or

3. Waives the benefit of any law intended for the advantage or protection of the obligator; or

4. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal or authorize the waiver of exemptions from execution.

§ 6. The validity and negotiable character of an instrument are not affected by the fact that:

1. It is not dated; or

2. Does not specify the value given, or that any value has been given therefor; or

3. Does not specify the place where it is drawn or the place where it is payable; or

4. Bears a seal; or

5. Is payable in currency or current funds; or designates a particular kind of current money in which payment is to be made.

§ 7. An instrument is payable on demand:

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or

2. In which no time for payment is expressed.

Where an instrument is issued, accepted or indorsed when overdue, it is, as regards the person so issuing, accepting or indorsing it, payable on demand.

§ 8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of:

1. A payee who is not maker, drawer or drawee; or
2. The drawer or maker; or
3. The drawee; or
4. Two or more payees jointly; or
5. One or more of several payees; or
6. The holder of an office for the time being.
7. An instrument payable to the estate of a deceased person shall be deemed payable to the order of the administrator or executor of his estate.

Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

§ 9. The instrument is payable to bearer:

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer; or
3. When it is payable to the order of a person known by the drawer or maker to be fictitious or non-existent or of a living person not intended to have any interest in it; or
4. When the name of the payee does not purport to be the name of any person; or
5. When although originally payable to order, it is indorsed in blank by the payee or a subsequent endorsee.

§ 10. The negotiable instrument need not follow the language of this Act, but any terms are sufficient which clearly indicate an intention to conform to the requirements thereof.

§ 11. When the instrument or an acceptance or any indorsement thereon is dated, such date is deemed *prima facie* to be the true date of the making, drawing, acceptance or indorsement, as the case may be.

§ 12. The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

§ 13. When an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course, but as to him, the date so inserted is to be regarded as the true date.

§ 14. Where the instrument is wanting in any material particular, the person in possession thereof has a *prima facie* authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a *prima facie* authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a

reasonable time. But if any such instrument, after completion, is issued or negotiated to a holder in due course it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

§ 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

§ 16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him, is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

§ 17. Where the language of the instrument is ambiguous, or there are omissions therein the following rules of construction apply:

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, reference may be had to the figures to fix the amount.

2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof.

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued.

4. Where there is conflict between the written and printed provisions of the instrument, the written provisions prevail.

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or a note, the holder may treat it as either, at his election.

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser.

7. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

§ 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed his own name.

§ 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

§ 20. Where the instrument contains, or a person adds to his signature, words indicating that he signs for or on behalf of the principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as agent, or as filling a representative character without disclosing his principal, does not exempt him from personal liability.

§ 21. A signature by "procuration" operates as notice that the agent has but limited authority to sign, and the principal is bound in case the agent in so signing acted within the actual limits of his authority.

§ 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

§ 23. Where a signature is forged or made without authority it is wholly inoperative, and no right to retain the instrument or to give a discharge thereof, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party against whom it is sought to enforce such right is precluded from setting up the forgery or want of authority.

ARTICLE II.—CONSIDERATION.

§ 24. Every negotiable instrument is deemed *prima facie* to have been issued for a valuable consideration, and every person whose signature appears thereon to have become a party thereto for value.

§ 25. Value is any consideration sufficient to support a simple contract.

2. An antecedent or pre-existing claim, whether for money or not, constitutes value where an instrument is taken either in satisfaction therefor or as security therefor and is deemed such, whether the instrument is payable on demand or at a future time.

§ 26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

§ 27. Whether the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

§ 28. Absence or failure of consideration is a matter of defense as against any person not a holder in due course, and partial failure of consideration is a defense *pro tanto*, whether the failure is an ascertained and liquidated amount or otherwise.

§ 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time

of taking the instrument knew him to be only an accommodation party and in case a transfer after maturity was intended by the accommodating party notwithstanding such holder acquired title after maturity.

ARTICLE III.—NEGOTIATION.

§ 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof; if payable to bearer, it is negotiated by delivery; if payable to order, it is negotiated by the indorsement of the holder, completed by delivery.

§ 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement and the addition of words of assignment or of guaranty shall not negative the additional effect of the signature as an indorsement unless otherwise expressly stated.

§ 32. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

§ 33. An indorsement may be either in blank or special; and it may also be either restrictive or qualified, or conditional.

§ 34. A special indorsement specifies the person to whom or to whose order the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

§ 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

§ 36. An indorsement is restrictive which either:

1. Prohibits the further negotiation of the instrument; or
2. Constitutes the indorsee the agent of the indorser; or
3. Vests the title in the indorsee in trust for or to the use of some other person. But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

§ 37. A restrictive indorsement confers upon the indorsee the right:

1. To receive payment of the instrument.
2. To bring any action thereon that the indorser could bring or except in the case of a restrictive indorsement specified in section 36—sub-section 2—any action against the indorser or any prior party that a special indorsee would be entitled to bring.
3. To transfer the instrument where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement specified in section 36—sub-section 1—and as against the principal or *cestue que* trust only the title of the first indorsee under the restrictive indorsements specified in section 36—sub-sections 2 and 3 respectively.

§ 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

§ 39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make a payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

§ 40. Where an instrument originally payable to or indorsed specifically to bearer is subsequently indorsed specially it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.

§ 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse unless the one indorsing has authority to indorse for the others.

§ 42. Where an instrument is drawn or indorsed to a person, as "Cashier" or other fiscal officer of a bank or corporation, it is deemed *prima facie* to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

§ 43. Where the name of the payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature.

§ 44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

§ 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed *prima facie* to have been effected before the instrument was overdue.

§ 46. Except where the contrary appears, every indorsement is presumed *prima facie* to have been made at the place where the instrument is dated.

§ 47. An instrument negotiable in its origin continues to be negotiable until it has been respectively indorsed or discharged by payment or otherwise.

§ 48. The owner may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

§ 49. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transferer vests in the transferee such title as the transferee had therein, and the transferee acquires, in addition, the right to enforce the instrument against one who signed for the accommodation of the transferer and the right to have the indorsement of the transferer if omitted by accident or

mistake. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

§ 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this Act, reissue and further negotiate the same, but he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

ARTICLE IV.—RIGHTS OF THE HOLDER.

§ 51. The holder of a negotiable instrument may sue thereon in his own name and payment to him in due course discharges the instrument.

§ 52. A holder in due course is a holder who has taken the instrument under the following conditions:

1. That the instrument is complete and regular upon its face.
2. That he became the holder of it before it was overdue, and without notice that it has been previously dishonored, if such was the fact.
3. That he took it in good faith and for value.
4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

§ 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

§ 54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

§ 55. The title of a person who negotiates an instrument is defective within the meaning of this Act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

§ 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

§ 57. A holder in due course holds the instrument free from any defect of title or [of] prior parties, and free from defenses available to prior parties among themselves except the defect and defense specified in section 10 of [an] Act entitled "An Act to revise the law in relation to promissory notes, bonds, due bills and other instruments in writing," approved March 18, 1874, in force July 1, 1874, and except the defect and defense specified in sections 131 and 136 of an Act to revise the law in relation to criminal jurisprudence, approved March 27, 1874,

in force July 1, 1874, known as sections 131 and 136 of chapter 38 of the Revised Statutes of Illinois, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

§ 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. But the holder who derives his title through a holder in due course, and who is not himself a party to any fraud or duress or illegality affecting the instrument, has all the rights of such former holder in respect to all parties prior to such holder.

§ 59. Every holder is deemed *prima facie* to be a holder in due course; but when it [is] shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course. But the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

ARTICLE V.—LIABILITY OF PARTIES.

§ 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to indorse.

§ 61. The drawer by drawing the instrument admits the existence of the payee and his then capacity to indorse, and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

§ 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance and admits:

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and

2. The existence of the payee and his then capacity to indorse.

§ 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicated by appropriate words his intention to be bound in some other capacity.

§ 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

1. If the instrument is a note or bill, payable to the order of a third person or an accepted bill, payable to the order of the drawer, he is liable to the payee and to all subsequent parties.

2. If the instrument is a note or unaccepted bill payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

§ 65. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants:

1. That the instrument is genuine and in all respects what it purports to be.
2. That he has a good title to it.
3. That all prior parties had capacity to contract.
4. That he has no knowledge of any fact which would impair the validity of the instrument.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

§ 66. Every indorser not an accommodating party who indorses without qualification, warrants to all subsequent holders in due course:

1. The matters and things mentioned in subdivision one, two, three and four of the next preceding section; and
2. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, every indorser engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

§ 67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

§ 68. As respects one another, indorsers are liable *prima facie* in the order in which they indorse, but evidence is admissible to show that as between or among themselves they have agreed otherwise. All parties jointly liable on a negotiable instrument are deemed to be jointly and severally liable.

§ 69. Where a broker or other agent negotiated an instrument without indorsement, he incurs all the liabilities prescribed by section sixty-five of this Act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

§ 69a. Whenever any bill of exchange drawn or indorsed within this State and payable without this State is duly protested for non-acceptance or non-payment, the drawer or indorser thereof, due notice being given of such non-acceptance or non-payment, shall pay such bill at the current rate of exchange and with legal interest from the time such bill ought to have been paid until paid, together with the costs and charges of protest, and on bills payable in the United States in case suit has to be brought thereon and on bills payable without the United States with or without suit, five per cent damages in addition.

ARTICLE VI.—PRESENTMENT FOR PAYMENT.

§ 70. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument except in case of bank notes, but if the instrument is, by its terms, payable at a special place and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

§ 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

§ 72. Presentment for payment, to be sufficient, must be made:

1. By the holder, or by some person authorized to receive payment on his behalf.
2. At a reasonable hour on a business day.
3. At a proper place as herein defined.
4. To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made.

§ 73. Presentment for payment is made at the proper place:

1. Where a place of payment is specified in the instrument and it is there presented.
2. Where no place of payment is specified and the address of the person to make the payment is given in the instrument and it is there presented.
3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment.
4. In any other case, if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

§ 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

§ 75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

§ 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative if such there be, and if with exercise of reasonable diligence, he can be found.

§ 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

§ 78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

§ 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

§ 80. Presentment for payment is not required to charge an indorser where the instrument was made or accepted for his accommodation.

§ 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

§ 82. Presentment for payment is dispensed with:

1. When after the exercise of reasonable diligence presentment as required by this Act can not be made.

2. Where the drawee is a fictitious person.

3. By waiver of presentment, express or implied.

§ 83. The instrument is dishonored by non-payment when:

1. It is duly presented for payment and payment is refused or can not be obtained; or

2. Presentment is excused and the instrument is overdue and unpaid.

§ 84. Subject to the provisions of this Act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

§ 85. Every negotiable instrument is payable at the time fixed therein without grace. When a day of maturity falls on Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before 12:00 o'clock noon on Saturday, when that entire day is not a holiday.

§ 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

§ 87. Payment is made in due course when it is made at or after maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

ARTICLE VII.—NOTICE OF DISHONOR.

§ 88. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

§ 89. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given.

§ 90. Notice of dishonor may be given by an agent, either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

§ 91. Where notice is given by or on behalf of the holder, it inures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

§ 92. Where notice is given by or on behalf of a party entitled to give notice, it inures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

§ 93. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon or he may give notice to his principal. If he gives notice to his principal, he must do so within the same time as if he were the holder, and the principal, upon the receipt of such notice, has himself the same time for giving notice as if the agent had been an independent holder.

§ 94. A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate unless the party to whom the notice is given is in fact misled thereby.

§ 95. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails.

§ 96. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

§ 97. Where any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

§ 98. Where the parties to be notified are partners, notice to any one partner is notice to the firm, even though there has been a dissolution.

§ 99. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

§ 100. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of his creditors, notice may be given either to the party himself or to his trustee or assignee.

§ 101. Notice may be given as soon as the instrument is dishonored, and unless delay is excused as hereinafter provided, must be given within the times fixed by this Act.

§ 102. Where the person giving and the person to receive notice reside in same place, notice must be given within the following times:

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following.

2. If given at his residence, it must be given before the usual hours of rest on the day following.

3. If sent by mail, it must be deposited in the postoffice in time to reach him in the usual course on the day following.

§ 103. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

1. If sent by mail, it must be deposited in the postoffice in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the postoffice, then within the time that notice would have been received in due course of mail, if it had been deposited in the postoffice within the time specified in the last subdivision.

§ 104. Where notice of dishonor is duly addressed and deposited in the postoffice, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

§ 105. Notice is deemed to have been deposited in the postoffice when deposited in any branch postoffice or in any letter box under the control of the postoffice department.

§ 106. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after dishonor.

§ 107. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows:

1. Either to the postoffice nearest to his place of residence, or to the postoffice where he is accustomed to receive his letters; or,

2. If he lives in one place and has his place of business in another, notice may be sent to either place; or,

3. If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this Act, it will be sufficient, though not sent in accordance with the requirements of this section.

§ 108. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

§ 109. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

§ 110. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of a presentment and notice of dishonor.

§ 111. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

§ 112. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

§ 113. Notice of dishonor is not required to be given to the drawer in either of the following cases:

1. Where the drawer and drawee are the same person.
2. Where the drawee is a fictitious person or a person not having capacity to contract.
3. Where the drawer is the person to whom the instrument is presented for payment.
4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument.
5. Where the drawer has countermanded payment.

§ 114. Notice of dishonor is not required to be given to an indorser in either of the following cases:

1. Where the drawee is a fictitious person or a person not having capacity to contract and the indorser was aware of the fact at the time he indorsed the instrument.
2. Where the indorser is the person to whom the instrument is presented for payment.
3. Where the instrument was made or accepted for his accommodation.

§ 115. Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

§ 116. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

§ 117. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment, as the case may be, but protest is not required, except in the case of foreign bills of exchange.

ARTICLE VIII.—DISCHARGE OF NEGOTIABLE INSTRUMENTS.

§ 118. A negotiable instrument is discharged:

1. By payment in due course by or on behalf of the principal debtor.

2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation.

3. By the intentional cancellation thereof by the holder.

4. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

§ 119. A person secondarily liable on the instrument is discharged:

[1.] By an Act which discharges the instrument.

2. By the intentional cancellation of his signature by the holder.

3. By a valid tender of payment made by a prior party.

4. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved, or unless the principal debtor be an accommodating party.

5. By an agreement in favor of the principal debtor binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent prior or subsequent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved, or unless the principal debtor be an accommodating party.

§ 120. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

1. Where it is payable to the order of a third person and has been paid by the drawer; and,

2. Where it was made or accepted for accommodation. [and] has been paid by the party accommodated.

§ 121. The holder may expressly renounce his rights against any party to the instrument before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument, discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

§ 122. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled, the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

§ 123. Where a negotiable instrument is fraudulently or materially altered by the holder without the assent of all the parties liable thereon, it is avoided except as against a party who has himself made, authorized or assented to the alteration and subsequent indorsers.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

§ 124. Any alteration which changes:

1. The date.

2. The sum payable, either for principal or interest.

3. The time or place of payment.

4. The number and the relations of the parties.

5. The medium or currency in which payment is to be made.

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

TITLE II.—BILLS OF EXCHANGE.

ARTICLE I.—FORM AND INTERPRETATION.

§ 125. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer.

§ 126. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

§ 127. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

§ 128. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this State. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

§ 129. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument at his option, either as a bill of exchange or a promissory note.

§ 130. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need; that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is the option of the holder to resort to the referee in case of need, or not, as he may see fit.

ARTICLE II.—ACCEPTANCE.

§ 131. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

§ 132. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and if such request is refused may treat the bill as dishonored.

§ 133. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person who, on the faith thereof, receives the bill for value.

§ 134. An unconditional promise in writing to accept a bill before or after it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

§ 135. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as the day of presentation.

§ 136. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment.

§ 137. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill payable accepted as of the date of the first presentment.

§ 138. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

§ 139. An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only, and not elsewhere.

§ 140. An acceptance is qualified which is:

1. Conditional; that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated.

2. Partial; that is to say, an acceptance to pay part only of the amount for which the bill is drawn.

3. Local; that is to say, an acceptance to pay only at a particular place.

4. Qualified as to time.

5. The acceptance of some one or more of the drawees, but not of all.

§ 141. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or indorser receives notice of a qualified acceptance, he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto.

ARTICLE III.—PRESENTMENT FOR ACCEPTANCE.

§ 142. Presentment for acceptance must be made:

1. Where the bill is payable after sight, or any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or,

2. Where the bill expressly stipulates that it shall be presented for acceptance; or,

3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

§ 143. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fails to do so, the drawer and all indorsers are discharged.

§ 144. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day, and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and,

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only.

2. Where the drawee is dead, presentment may be made to his personal representative.

3. Where the drawee has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

§ 145. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections 72 and 85 of this Act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before 12:00 o'clock noon on that day.

§ 146. Where the holder of a bill drawn payable elsewhere than at the place of business or residence of the drawee has not time, with the exercise of reasonable diligence, to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

§ 147. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance in either of the following cases:

1. Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill.

2. Where, after the exercise of reasonable diligence, presentment cannot be made.

3. Where, although presentment has been irregular, acceptance has been refused on some ground.

§ 148. A bill is dishonored by non-acceptance:

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this Act is refused or can not be obtained; or,

2. When a presentment for acceptance is excused and the bill is not accepted.

§ 149. Where a bill is duly presented for acceptance and is not presented within the prescribed time, the person presenting it must

treat the bill as dishonored by non-acceptance, or he loses the right of recourse against the drawer and indorsers.

§ 150. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holders, and no presentment for payment is necessary.

ARTICLE IV.—PROTEST.

§ 151. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof, in case of dishonor, is unnecessary.

§ 152. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it and must specify:

1. The time and place of presentment.
2. The fact that presentment was made and the manner thereof.
3. The cause or reason for protesting the bill.
4. The demand made and the answer given, if any, of the fact that the drawee or acceptor could not be found.

§ 153. Protest may be made by:

1. A notary public; or,
2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

§ 154. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

§ 155. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable; and no other presentment for payment to, or demand on, the drawee is necessary.

§ 156. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

§ 157. When the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

§ 158. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of

the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

§ 159. Where a bill is lost or destroyed, or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ARTICLE V.—ACCEPTANCE FOR HONOR.

§ 160. Where a bill of exchange has been protested for dishonor by non-acceptance, or protested for better security, and is not overdue, any person not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill *supra* protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn, and where there has been an acceptance for honor for one party there may be a further acceptance by a different person for the honor of another party.

§ 161. An acceptance for honor *supra* protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

§ 162. Where an acceptance for honor does not expressly state for whose honor it was made, it is deemed to be an acceptance for the honor of the drawer.

§ 163. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

§ 164. The acceptor for honor by such acceptance engages that he will, on due presentment, pay the bill according to the terms of his acceptance: *Provided*, it shall not have been paid by the drawee: *And provided, also*, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

§ 165. When a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor.

§ 166. Where a dishonored bill has been accepted for honor *supra* protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

§ 167. Presentment for payment to the acceptor for honor must be made as follows:

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity.

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section 103.

§ 168. The provisions of section 81 apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

§ 169. When the bill is dishonored by the acceptor for honor, it must be protested for non-payment by him.

ARTICLE VI.—PAYMENT FOR HONOR.

§ 170. Where a bill has been accepted for non-payment, any person may intervene and pay it *supra* protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

§ 171. The payment for honor *supra* protest in order to operate as such, and not as a mere voluntary payment, must be attested by a notarial act of honor, which may be appended to the protest or form an extension to it.

§ 172. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

§ 173. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

§ 174. Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

§ 175. Where the holder of a bill refuses to receive payment *supra* protest, he loses his right of recourse against any party who would have been discharged by such payment.

§ 176. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

ARTICLE VII.—BILLS IN A SET.

§ 177. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to other parts, the whole of the parts constitute one bill.

§ 178. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is, as between such holders, the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

§ 179. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

§ 180. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

§ 181. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

§ 182. Except as herein otherwise provided, where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

TITLE III.—PROMISSORY NOTES AND CHECKS.

ARTICLE I.

§ 183. A negotiable promissory note within the meaning of this Act is an unconditional promise in writing made by one person to another, signed by the maker, engaging to pay on demand or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

§ 184. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this Act are applicable to a bill of exchange payable on demand apply to a check.

§ 185. A check must be presented for payment within a reasonable time after its issue, and notice of dishonor given to the drawer as provided for in the case of bills of exchange, or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

§ 186. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

§ 187. Where the holder of a check procures it to be accepted or certified, the drawer and all indorsers are discharged from liability thereon.

§ 188. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

TITLE IV.—GENERAL PROVISIONS.

ARTICLE I.

§ 189. This Act shall be known as the Negotiable Instrument Law.

§ 190. In this Act, unless the context otherwise requires:

"Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counter-claim and set-off.

"Bank" includes any person or association of persons carrying on the business of banking, whether incorporated or not.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means negotiable promissory note.

"Delivery" means transfer of possession, actual or constructive, from one person to another.

"Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

"Indorsement" means an indorsement completed by delivery.

"Instrument" means negotiable instrument.

"Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

§ 191. The person "primarily" liable on an instrument is the person who, by the terms of the instrument, is absolutely required to pay the same. All other parties are "secondarily" liable.

§ 192. In determining what is a "reasonable time" or an "unreasonable time," regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case.

§ 193. Where the day, or the last day, for doing an act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

§ 194. The provisions of this Act do not apply to negotiable instruments made and delivered prior to the passage hereof.

§ 195. In any case not provided for in this Act, the rules of the law merchant shall govern.

§ 196. Sections 1, 2 and 8 of an Act entitled, "An Act to revise the law in relation to promissory notes, bonds, due bills and other instruments in writing," approved March 18, 1874, in force July 1, 1874, and sections 10 and 11 of an Act entitled, "An Act to provide for the appointment, qualification and duties of notaries public and certifying their official acts," approved April 5, 1872, in force July 1, 1872, are hereby repealed.

APPROVED June 5, 1907.

PARKS.

ADDITIONAL BOND ISSUE FROM TIME TO TIME.

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| <p>§ 1. Park commissioners may exercise right of eminent domain—vacation of highways, streets and alleys.</p> | <p>§ 2. Proposition to issue bonds to be submitted to vote—tax levy and bond issue regulated.</p> |
| | <p>§ 3. Emergency.</p> |

(SENATE BILL NO. 13. APPROVED MARCH 4, 1907.)

AN ACT to enable park commissioners to enlarge the park systems under their control by acquiring and improving additional lands, and to pay for the acquisition and improvement thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the commissioners of every public park district in this State appointed or otherwise selected under and in pursuance of any Act or Acts of the General Assembly of this State, which has or have been or may be submitted to the legal voters of such park district and by them adopted who may desire to alter or enlarge the park system under their control by acquiring additional lands within the district, the property of which is taxable for the maintenance of the parks under their control, are hereby authorized to acquire and improve such lots, blocks and parcels of land as may, in their judgment, be necessary for the purpose of enlarging any park or parks under their control and for the purpose of creating additional parks; and in case said commissioners cannot agree with the owner or owners, lessees or occupants or persons interested in any of the said lots, blocks or parcels of land, they may proceed to procure the condemnation of the same in the manner prescribed in the Act of the General Assembly of the State of Illinois, entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872, and the amendments thereto; and it shall be lawful for such park commissioners to vacate and close any highways, streets or alleys which may pass through, divide or separate any lots, blocks or lands so acquired, provided the consent of the municipal authorities having control of the highway, street or alley so vacated and closed, shall be first obtained.

§ 2. Such park commissioners may, from time to time, issue and sell in addition to the bonds now authorized by law, interest-bearing bonds for the purpose of obtaining such funds as may be necessary for acquiring and improving said parks: *Provided*, no bonds shall be issued under this Act contrary to the provisions of section 12, article 9, of the constitution of this State: *And, provided, further*, that the proposition to issue such bonds shall be submitted to a vote of the legal voters of such park district and receive a majority of the votes cast upon such proposition. And authority is hereby expressly granted to the park commissioners issuing such bonds to levy and collect a direct annual tax upon the property within their jurisdiction, in addition to the amount of any tax now authorized by law

to be levied and collected by them, sufficient to pay the interest on said bonds as it falls due and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing said bonds, and the county clerk of the county in which such park district is located, or such other officer or officers as are or may be authorized to spread or assess taxes for park purposes shall, on receiving a certificate from such park commissioners that the amount mentioned in such certificate is necessary to pay the interest on said bonds and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing said bonds, spread and assess such amount upon the taxable property embraced in said park district the same as other park taxes are by law spread and assessed, and the same shall be collected and paid over the same as other park taxes are now required by law to be collected and paid.

§ 3. WHEREAS, There is a necessity for the immediate acquisitions and improvements contemplated in this Act, therefore an emergency exists, and this Act shall take effect and be in force from and after its passage.

APPROVED March 4, 1907.

BONDS FOR CONNECTION OF PARKS.

§ 1. Additional bonds for bridges or boulevards—proposition submitted to vote—levy and collection of tax.

(HOUSE BILL NO. 552. APPROVED MAY 25, 1907.)

AN ACT to enable the corporate authorities of public park districts to issue bonds for the purpose of aiding the connection of park or parks under their control with other park or parks by means of boulevards, and to provide for the payment of such bonds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the corporate authorities of any public park district having the control or supervision of any public park or parks in any city of this State wherein other park districts and parks are situated but not connected therewith by any boulevard or driveway, or other park thoroughfare, may, from time to time in their discretion, issue and sell in addition to the bonds now authorized by law to be issued and sold by said corporate authorities, interest-bearing bonds for the purpose of obtaining such funds as they may deem necessary. In defraying the expense of connecting any park or parks under their control, with any other public park or parks, by means of a boulevard and driveway in said city, and altering and improving any connection or connections between such parks, provided no bonds shall be issued under this Act contrary to the provisions of section 12, article 9, of the constitution of this State: *And, provided, further,* that the proposition to issue such bonds shall be submitted to a vote of the legal voters of such park district and receive a majority of the votes cast at any general, municipal or special election upon such proposition by the voters of said park district at

such election. And authority is hereby expressly granted to the park commissioners issuing such bonds, to levy and collect a direct annual tax upon the property within their jurisdiction in addition to the amount of any tax now authorized by law to be levied and collected by them sufficient to pay the interest on said bonds as it falls due, and also to pay and discharge the principal thereof within twenty years from the date of issuing of said bonds, and the county clerk of the county in which such park district is located or such other officer or officers as are by law authorized to spread or assess taxes for park purposes and other purposes, shall, on receiving a certificate from such park commissioners that the amount mentioned in such certificate is necessary to pay the interest on said bonds, and also to pay and discharge the principal thereof within twenty years from the date of issuing said bonds, spread and assess such amount upon the taxable property embraced in said park district, the same as other park taxes are by law spread and assessed, and the same shall be collected and paid over the same as other park taxes are now required by law to be collected and paid.

APPROVED May 25, 1907.

HIGHWAYS ADJOINING PARKS—IMPROVEMENT AND REPAIRS.

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| § 1. Park commissioners and corporate authorities may enter into agreement, etc. | § 2. Emergency. |
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(SENATE BILL No. 429. APPROVED APRIL 22, 1907.)

AN ACT to provide for making improvements and repairs upon highways adjoining public parks and pleasure grounds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever hereafter any public street, avenue or alley adjoining any public park or pleasure ground is, in the judgment of the park commissioners or corporate authorities of the city, town or village in which such street, avenue or alley is located, in need of repair or improvement, it shall be competent for the park commissioners or corporate authorities controlling such public park or pleasure ground to enter into an agreement with said city, town or village for the payment to such city, town or village by the park commissioners, or corporate authorities controlling such public park or pleasure ground of such portion of the cost of making such repairs or improvements as may be agreed upon or for the making by the park commissioners or corporate authorities controlling such public park or pleasure ground of such portion of such repair or improvement as may be agreed upon, and the remainder of the cost of making such repair or improvement shall be raised by such city, town or village by general taxation or special assessment, as it may provide.

§ 2. WHEREAS, An emergency exists, this Act shall take effect and be in force from and after its passage.

APPROVED April 22, 1907.

LINCOLN PARK—BOND ISSUE OF \$1,000,000.

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| <p>§ 1. Authorizes bond issue of \$1,000,000 for construction of surface and elevated ways.</p> <p>§ 2. Election—publication of ordinance and notices.</p> <p>§ 3. Form of separate ballot.</p> | <p>§ 4. Issue and sale of bonds—denominations, etc.</p> <p>§ 5. Bonds registered by Auditor—annual tax levy—collection and disbursement.</p> |
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(HOUSE BILL NO. 807. APPROVED MAY 25, 1907.)

AN ACT authorizing "The Commissioners of Lincoln Park" to issue bonds, and providing for payment thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the "Commissioners of Lincoln Park," of the county of Cook, are hereby authorized to issue bonds to the amount of not exceeding one million dollars, for the purpose of constructing surface and elevated boulevards and the approaches thereto, over, across, along and upon streets and alleys whenever thereunto authorized by any city having control thereof.

§ 2. Whenever "the Commissioners of Lincoln Park" desire to issue said bonds, they shall, by ordinance, direct an election to be held in the district or territory taxable for the maintenance of Lincoln Park as now authorized by law, fixing the street or streets to be improved, the general character of the improvements, the amount of bonds proposed to be issued, the date of the election and the polling places at which the election is to be held, and directing the secretary to post and publish a notice of election. The notice of said election shall include said ordinance and shall be posted in at least ten (10) public places in said district at least twenty-one (21) days prior to the election, and such notice shall be published in a newspaper having a general circulation in said district at least once in each week for three successive weeks, the first publication to be made at least twenty-one days prior to the date of election. The judges and clerks at such election shall be selected and the votes canvassed by "the Commissioners of Lincoln Park." The election may be held on the same day and at the same places as any general or special election.

§ 3. The ballots at the election hereby authorized shall be a separate ballot, and in substantially the following form:

OFFICIAL BALLOT.

Instructions to Voters: To cast a ballot in favor of the proposition submitted upon this ballot, place a cross (X) mark in the square opposite the word "Yes." To vote against the proposition submitted upon this ballot, place a cross (X) mark opposite the word "No."

Shall the following be adopted:

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| Proposition to issue bonds of Lincoln Park to the amount ofdollars for the purpose of improvingstreet. | Yes | |
| | No | |

§ 4. In case a majority of the votes cast upon the proposition shall be in favor thereof, "the Commissioners of Lincoln Park" may proceed to from time to time issue and sell the said bonds in denominations of one hundred dollars (\$100.00), or any multiple thereof, bearing interest evidenced by coupons at the rate of not more than five (5) per centum per annum, payable semi-annually, and payable in not exceeding twenty (20) annual installments. Nothing herein contained shall be construed to authorize the contracting of an indebtedness in excess of five per centum of the value of the taxable property in said district as assessed for State and county purposes.

§ 5. Said bonds before being delivered to the purchaser shall be registered in the office of the Auditor of Public Accounts of the State of Illinois, on payment of the usual fees, and said Auditor shall certify on each bond the fact of such registration. In order to provide for the payment of the principal and interest of the bonds so registered, it is hereby made the duty of the said Auditor to annually cause to be levied and collected a direct *ad valorem* tax upon all the taxable property in the district or territory now subject to taxation for the maintenance of said Lincoln Park sufficient in amount to pay the bonds and interest maturing during the next ensuing year. The said taxes when collected shall be received by the State Treasurer and be disbursed by him in payment of said bonds and the interest thereon, rendering any surplus to the treasurer of said "commissioners."

APPROVED May 25, 1907.

PARKS IN CITIES NOT EXCEEDING 15,000.

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| § 1. Amends sections 1 and 2, Act of 1899. | § 2. Authorizes borrowing money, levying and collecting general taxes for park purposes. |
| § 1. Cities of not exceeding 15,000 inhabitants may acquire land for public parks—question submitted to vote. | § 2. Emergency. |

(SENATE BILL NO. 231. APPROVED FEBRUARY 27, 1907.)

AN ACT to amend sections 1 and 2 of an Act entitled, "An Act to enable certain cities to provide and maintain public parks for the use of the inhabitants thereof," approved April 24, 1899, in force July 1, 1899.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one and two of an Act entitled, "An Act to enable certain cities to provide and main-

tain public parks for the use of the inhabitants thereof," approved April 24, 1899, in force July 1, 1899, be amended so as to read as follows:

§ 1. That all cities not exceeding fifteen thousand inhabitants in this State be, and they are hereby authorized to acquire by purchase, or otherwise, lands in or within four miles of the corporate limits of the same for the purpose of providing public parks for the use of the inhabitants thereof, and may enclose, improve and maintain any such public park and regulate the use thereof by ordinance: *Provided*, that no money shall be expended for the purchase of any land for said purpose until the question of the expenditure of such money for said purpose shall have been submitted to a vote of the people of such city at an election for city officers, or at a special election called for that purpose by the city council of said city, and shall have received a majority of the votes cast at such election.

§ 2. Such cities may borrow money, levy and collect a general tax for said purpose or for the purpose of improving and maintaining such park in the same manner as for the purpose of purchasing and maintaining water works under the laws of this State and may appropriate money for the same.

§ 2. WHEREAS, An emergency exists, therefore this Act shall be in force and effect from and after its passage.

APPROVED February 27, 1907.

PARKS IN CITIES OF LESS THAN 50,000.

§ 1. City council may levy annual tax for establishment and maintenance of parks.

(HOUSE BILL NO. 416. APPROVED MAY 13, 1907.)

AN ACT to authorize cities having a population of less than 50,000 to establish and maintain by taxation public parks.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council of each incorporated city of this State having a population of less than 50,000, whether organized under general law or special charter, shall have power to establish and maintain public parks for the use and benefit of the inhabitants of such city, and may levy a tax not to exceed two mills on the dollar annually on all taxable property embraced in the city according to the valuation of the same as made for the purpose of State and county taxation by the last assessment.

APPROVED May 13, 1907.

REPORTS OF PARK COMMISSIONERS.

§ 1. Annual report submitted on last day of February.

(SENATE BILL NO. 217. APPROVED MAY 25, 1907.)

AN ACT concerning the annual reports of park commissioners.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That park commissioners, who are now required by law to submit, on the first day of December in each year, to the board of county commissioners or the board of supervisors in the county in which the same may be located, a written or printed report of all their acts and doings in relation to the parks and other improvements under their supervision or control, shall hereafter submit such report on the last day of February in each year.

APPROVED May 25, 1907.

SALARY OF SECRETARY.

§ 1. Salary of secretary of park board of two or more towns.

(SENATE BILL NO. 218. APPROVED MAY 27, 1907.)

An Act providing for the salaries of park secretaries.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the secretary of any board of park commissioners who have been by law declared to be the corporate authorities of two or more towns for park purposes, may receive such salary for his services as said board shall from time to time determine, not exceeding, however, the sum of five thousand dollars (\$5,000) per annum.

APPROVED May 27, 1907.

SUBMERGED AND SHORE LANDS—ACQUISITION AND IMPROVEMENT.

§ 1. Park commissioners may acquire riparian or other rights by condemnation proceedings or otherwise for extensions or connections.

§ 3. Bond issue—election—tax levy, etc.

§ 4. Additional enlargements or extensions.

§ 2. Boundary lines established and confirmed by decree of court—notice—hearing—finding.

(SENATE BILL NO. 357. APPROVED MAY 2, 1907.)

AN ACT authorizing park commissioners to acquire and improve submerged and shore lands for park purposes, providing for the payment therefor, and granting unto such commissioners certain rights and powers and to riparian owners certain rights and titles.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every board of park commissioners existing under the laws of this State, which now has, or may

hereafter have or acquire, control over any public park, boulevard or driveway, bordering upon any public waters in this State, and which now has, or may hereafter have or acquire, the power to extend such park, boulevard or driveway over and upon the bed of such public waters, and that every board of park commissioners, which now has, or may hereafter have or acquire, control over two or more separate public parks, whether they constitute a part of one park system or not, bordering upon any public waters in this State, and which now has, or may hereafter have or acquire, power to connect the same by constructing a boulevard, driveway or parkway extending over and upon the bed of such public waters and over and upon any lands penetrating into such waters, may acquire the riparian or other rights of the owners of lands, whether individuals or corporations, on the shores adjoining the public waters or rivers in which it is proposed to construct any such extension or connection, also the title of the private or public owners, if any there be, to lands lying beneath such public waters or rivers also the title of any lands penetrating into such public waters and the title of any lands into, upon, or over which it is proposed to construct such extension or connection, or any viaduct, bridge or tunnel forming a part thereof, by contract with or deed from any such owner or owners, whether individuals or corporations. Said park commissioners and said riparian owners are hereby authorized to agree upon a boundary line dividing the submerged lands acquired or to be acquired by said park commissioners and the submerged lands to be taken, owned and used by said riparian owners in lieu of and as compensation for the release of said riparian rights to said park commissioners. In case any of such owners or persons interested are *non sui juris*, or in case any of such owners or persons interested are unknown, proceedings may be had to condemn their riparian rights and the lands owned by them, or in which they may be interested, according to the provisions of an Act entitled "An Act to provide for the exercise of the right of eminent domain" and amendments thereto.

§ 2. In all cases in which said park commissioners shall have acquired, or contracted to acquire, the riparian rights of the owners of any lands along the shore adjoining such submerged lands, and shall have agreed upon the dividing line aforesaid, said park commissioners shall file petitions or bills in chancery on the chancery side of the circuit court of the county in which said lands are situated, praying that the boundary line between the lands acquired or to be acquired by the defendants in said suit and the lands acquired or to be acquired by the said park commissioners, under this Act and under such contract or contracts, may be established and confirmed by the decree of said court, as agreed upon by said parties to which bills or petitions all persons interested in said riparian rights and lands as owners or otherwise as appearing of record, if known, or if not known, stating that fact, shall be made defendants. Persons interested, whose names are unknown, may be made parties defendant by the description of the unknown owners; but in all such cases, an affidavit shall be filed by or on behalf of the petitioner or complainant, setting forth that the names of such persons are unknown, said park commissioners shall also give public notice of the filing of

each such bill or petition by publication thereof once a week for four consecutive weeks in a newspaper of general circulation regularly published in the city in which, or nearest to which, said riparian rights are situated, which notice shall contain the title of the suit and the term of court at which it is made returnable, the last of which notices shall be published not less than ten (10) days or more than twenty (20) days before the first day of the term of court in which said suit is returnable. The defendants who do not enter their appearance shall be served with process in the suits so instituted in the same manner as in suits in chancery, and the proceedings in said cause shall be conducted in the same manner as in other suits in chancery. Any legal voter or taxpayer within the district or territory in which the property shall be taxable for the maintenance of the park system under the control of such commissioners, shall be permitted to enter his appearance and become a party defendant in said proceedings and demur, plead or answer to said bill or petition. If, upon a hearing, the court shall find that the rights and interests of the public have been duly conserved in and by such agreement, then the court shall confirm said agreement and establish such boundary line; otherwise the court shall, in its discretion, dismiss such bill or petition. If the dividing line agreed upon shall be so established and confirmed by the decree or judgment of the said court, it shall thereafter be the permanent dividing and boundary line of said lands, and shall not be affected or changed thereafter, either by accretions or erosions; and the owners of said shore lands are hereby granted by the State of Illinois the title to the submerged lands lying between said boundary line when so established and the shore adjacent thereto, and they shall have the right to fill in, improve, protect, use for all lawful purposes, sell and convey said submerged lands up to the line so established, free from any adverse claim in any way arising out of any question as to where the shore line was at any time in the past, or as to the title to any existing accretions.

§ 3. Such park commissioners shall have the power to pay for any such rights or lands thus acquired and for the construction and protection of such extension or connection, either out of its general revenues or by the issue and sale, from time to time, of interest bearing bonds, in addition to the bonds now authorized by law to be issued and sold by such park commissioners: *Provided*, no bonds shall be issued under this Act contrary to the provisions of section 12, article IX, of the constitution of this State: *And, provided, further*, that the proposition to issue such bonds shall first be submitted to a vote of the legal voters of such park district and shall receive a majority of the votes cast upon such proposition. And authority is hereby expressly granted to the park commissioners issuing such bonds to levy and collect a direct annual tax upon the property within their jurisdiction, in addition to the amount of any tax now authorized by law to be levied and collected by them, sufficient to pay the interest on said bonds as it falls due and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing said bonds; and the county clerk of the county in which such park district is located or such other officer or officers as are by law authorized to spread or assess taxes for park purposes shall,

on receiving a certificate from such park commissioners that the amount mentioned in such certificate is necessary to pay the interest on said bonds and also to pay and discharge the principal thereof within (20) years from the date of issuing said bonds, spread and assess such amount upon the taxable property embraced in said park district the same as other park taxes are by law spread and assessed, and the same shall be collected and paid over the same as other park taxes are required by law to be collected and paid.

§ 4. The powers granted by this Act to any board of park commissioners shall not be construed to have been exhausted by any one use of the same, but said commissioners may, from time to time, proceed with further enlargements or extensions: *Provided, however*, that all such enlargements or extensions lie within the district or territory, the property in which shall be taxable for the maintenance of the park systems under the control of such commissioners, or within public waters or rivers adjoining or being a part of such district or territory.

APPROVED May 2, 1907.

SURFACE AND ELEVATED WAYS—PERMISSION TO CONSTRUCT.

§ 1. Authorizes municipalities to permit park boards to construct surface and elevated ways.

(HOUSE BILL No. 806. APPROVED MAY 25, 1907.)

AN ACT authorizing cities, towns and villages to permit the construction of surface and elevated ways.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city, town or village may by ordinance duly passed grant to any commission or board having jurisdiction over parks and boulevards the right to take and improve by means of surface or elevated ways for vehicles and pedestrians a street or streets not more than one mile in length in any one instance, and for that purpose to construct, maintain and control all approaches, inclines and superstructures convenient or necessary for the purpose aforesaid. This Act shall not operate to repeal any Acts heretofore passed by the General Assembly regarding public parks and boulevards, or the control and maintenance thereof, but shall be held to grant additional and supplementary power in relation thereto.

APPROVED May 25, 1907.

SURFACE AND ELEVATED WAYS—TAKING OVER.

§ 1. Authorizes municipalities to construct and maintain elevated ways and approaches and turn them over to park boards.

(HOUSE BILL No: 818. APPROVED MAY 25, 1907.)

AN ACT authorizing cities, towns and villages to construct and maintain surface and elevated ways, and turn the same over to public park corporate authorities.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city, town or village

may construct and maintain an elevated way in or upon any street, and construct and maintain all necessary approaches, inclines and superstructures, and may by ordinance authorize any commission or board having jurisdiction of a public park or parks to take over, maintain and control any street or way, incline, approach or superstructure therein upon terms fixed by such ordinance.

APPROVED May 25, 1907.

TOWNSHIP PARKS—ACQUISITION AND MAINTENANCE.

§ 1. Acquisition of land for park purposes authorized.

§ 2. Lands acquired by purchase or condemnation proceedings.

§ 3. Levy and collection of tax for maintenance or acquisition of other lands for park purposes.

§ 4. Emergency.

(SENATE BILL NO. 8. APPROVED MARCH 2, 1907.)

AN ACT authorizing townships to acquire and maintain lands for park purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the several townships of this State are hereby authorized, acting through their representative corporate authorities (meaning thereby the town supervisor and the town clerk of such township), to acquire lands (not exceeding for any one park ten acres in extent) to be set apart and forever held and maintained and improved as public parks for the free use of the public.

§ 2. That any township in this State desiring to procure lands for park purposes, as in the preceding section provided, may purchase the same from the owner or owners thereof, or in the discretion of its corporate authorities such township may acquire such lands by the exercise of the power of eminent domain in the manner now or hereafter provided by the laws of the State of Illinois for the taking or damaging of private property for public purposes.

§ 3. For the purpose of providing a fund for the maintenance of said park or parks, the township authorities (meaning thereby the town supervisor and the town clerk of said township) are hereby authorized to levy annual taxes not exceeding one mill upon each dollar of the valuation of the property in said township as assessed for taxation in any one year, which shall be levied and collected at the time and in the manner that other township taxes are required to be levied and collected. Said maintenance tax, when levied and collected, shall be kept separate and distinct from all other township funds and shall be applied exclusively to the expenses of maintenance and up-keep, adornment and development of any park or parks theretofore acquired by such township, or the acquisition of other lands to be used for public park purposes.

§ 4. WHEREAS, An emergency exists for the immediate taking effect of this Act, therefore, it shall be in force from and after its passage.

APPROVED March 2, 1907.

TOWNSHIP PARKS—BOND ISSUE AUTHORIZED.

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| <p>§ 1. Authorizes bond issue for public parks not exceeding ten acres.</p> <p>§ 2. Petition to be filed with county clerk—notice of election—judges and clerks—canvass of votes.</p> <p>§ 3. Form of ballot.</p> | <p>§ 4. Duration of bonds—interest.</p> <p>§ 5. Sale of bonds—tax levy.</p> <p>§ 6. Expenditure of proceeds.</p> <p>§ 7. Explanatory.</p> <p>§ 8. Emergency.</p> |
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(SENATE BILL NO. 9. APPROVED MARCH 2, 1907.)

AN ACT authorizing townships to issue bonds for park purposes, and providing for the payment thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of promoting health and welfare of its citizens, any township may issue bonds for the purpose of procuring and improving lands to be set apart and forever held as one or more public parks, the same to be kept and maintained for the free use of the public, but no such park shall exceed ten (10) acres in extent.

§ 2. Whenever one hundred legal voters of any township in the State of Illinois shall file a petition in writing in the office of the county clerk, asking that an election be held to authorize the issuance of bonds for the purpose of providing funds for the purchase and improvement of one or more public parks in said township, which said petition shall designate, the amount of bonds proposed to be issued for the acquirement and improvement thereof, upon the filing of such petition, it shall be the duty of the county court of the county wherein said town is located to submit the question of issuing bonds for the purpose and to the amount named in the petition at a general or special election to be held in said township to the legally qualified voters of said township, and that for said purpose said court shall appoint a day upon which such election shall be held, and thereupon said county clerk shall prepare a notice of such election which shall state the date upon which such election will be held and the polling places and state the amount of bonds which it is proposed to issue, which said notice of election shall by the county clerk, or under his authority, be posted in at least ten public places in the township at least twenty-one days prior to the election, and such notice shall be published in a newspaper published in such town, or having a general circulation therein, at least once in each week for three successive weeks, the first publication to be made at least twenty-one days prior to the date of election. The judges and clerks at such election shall be selected and the votes canvassed in the same way and by the same authority as such election officers are appointed, and such election canvassed in elections for State and county officers in said town, and the ballots to be used at said election shall be prepared under the same authority.

§ 3. The ballots at the election hereby authorized shall be a separate ballot, and in substantially the following form:

OFFICIAL BALLOT.

Instructions to voters: To cast a ballot in favor of the proposition submitted upon this ballot, place a cross (X) mark in the square opposite the word "yes;" to vote against the proposition submitted upon this ballot, place a cross (X) mark opposite the word "no."

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| <i>Shall the following be adopted:</i> | Yes. | |
| Proposition to issue Park Bonds of the town of County of..... Illinois, to the amount of..... Dollars, for the purpose of procuring and improving one or more small parks. | No. | |

§ 4. In case a majority of the votes cast upon the proposition so submitted shall be in favor of the issuance of bonds, it shall thereupon be the duty of the corporate authorities of said town, to-wit, the supervisor and town clerk, to issue the bonds of said town not exceeding the amount voted upon at said election, which said bonds shall become due not more than twenty years after their date, shall be in denominations of one hundred dollars or any multiple thereof, and shall bear interest evidenced by coupons, at the rate of not exceeding five (5) per centum per annum, payable semi-annually.

§ 5. Said bonds shall be sold and the proceeds thereof used solely for the purpose of procuring and improving one or more parks in said township, and at or before the time of the delivery of said bonds for value, said supervisor and clerk shall file with the county clerk of the county in which such township is situated their certificate in writing under their hands, stating the amount of bonds to be issued, their denomination, rate of interest and where payable, and including therein a form of bond to be issued, and in addition thereto said supervisor and clerk shall levy a direct annual tax upon all of the taxable property in the township sufficient to pay the principle [principal] and interest of said bonds as and when the same respectively mature, and said certificate so filed with said county clerk shall be full and complete authority to said county clerk to extend the tax named in such certificate, upon all the taxable property in the township, the same to be in addition to all other taxes authorized by law.

Wherever there shall at the time be in existence a board of park commissioners invested by law with control over any park which lies wholly or in part in said township the duties required of the supervisor and town clerk by sections four (4) and five (5) of this Act shall be performed by said board of park commissioners or under its authority.

§ 6. The proceeds of said bonds shall be received and held by the town supervisor, but shall be expended under the direction and upon the warrant of the highway commissioners or a majority of them, of said township: *Provided*, that wherever there shall at the time be in existence a board of park commissioners invested by law with control over any park which lies wholly or in part in said township, the proceeds of said bonds shall be expended upon the warrants of said board

of park commissioners, or a majority of them; and such highway commissioners or board of park commissioners, aforesaid, shall have full power and authority to designate, choose and select the parcel or parcels of land or property so to be utilized for the purchase of such parks, and to determine the character, time and manner of improving, developing, maintaining and adorning the same.

§ 7. This Act shall not operate to repeal any Acts heretofore passed by the General Assembly regarding the issuance of bonds for park purposes, but shall be held to grant additional and supplementary power in relation thereto.

§ 8. WHEREAS, An emergency exists for the immediate taking effect of this Act, therefore, it shall be in force from and after its passage.

APPROVED March 2, 1907.

VIOLETION OF ORDINANCES—HOUSES OF CORRECTION.

§ 1. Agreements with municipal authorities for use of houses of correction.

§ 2. Commitments by court.

§ 3. Conveying and delivering prisoner—compensation.

§ 4. Emergency.

(SENATE BILL NO. 281. APPROVED MAY 25, 1907.)

AN ACT to authorize the confinement in houses of correction of persons convicted of the violation of ordinances of public park commissioners.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every board of public park commissioners in this State shall have full power and authority to enter into an agreement with the legislative authorities of any city, town or village in the county in which the park system under the control of such board of public park commissioners may be situated, or with any authorized officer thereof in behalf of such city, town or village which now has or which may hereafter have a house of correction, to receive and keep in said house of correction any person or persons who may be sentenced or committed thereto by any court in such county for the violation of any ordinance of said board of public park commissioners, or failure to pay the fine imposed for such violation.

§ 2. After such agreement shall have been entered into it shall be the duty of the court finding any person guilty of the violation of any ordinance of any such board of public park commissioners punishable by imprisonment to sentence the person so found guilty to such house of correction, and for the violation of any ordinance of such board of public park commissioners punishable by fine, it shall be the duty of the court to commit any person who shall not forthwith pay any fine

so imposed by the said court, to the said house of correction, there to be received and kept for the time and in the manner prescribed by law, and subject to the discipline of said house of correction, and it shall be the further duty of said court by warrant of commitment duly issued to cause such person so sentenced or committed to be forthwith conveyed by some proper officer to said house of correction.

§ 3. It shall be the duty of the officer to whom such warrant of commitment is delivered to convey such person so sentenced or committed to the said house of correction, and there deliver such person to the keeper or other proper officer of said house of correction, whose duty it shall be to receive such person so sentenced or committed and to safely keep and employ such person for the term mentioned in the warrant of commitment, according to the laws of said house of correction; and the officer thus conveying and so delivering the person so sentenced or committed shall be allowed such fees, as compensation therefor, as are or shall be prescribed or allowed by law.

§ 4. WHEREAS, In some of the park systems in this State there is no authority for the making of the contract hereinbefore authorized, therefore an emergency is declared to exist, and this Act shall be in force from and after its passage.

APPROVED May 25, 1907.

PAUPERS.

NOTICE TO DEFENDANT BY SUMMONS.

§ 1. Amends section 5, Act of 1874.

§ 5. Three days' notice to defendant by summons.

(HOUSE BILL NO. 260. APPROVED MAY 24, 1907.)

AN ACT to amend section 5 of an Act entitled, "*An Act to revise the law in relation to paupers,*" approved March 23, 1874, in force July 1, 1874.

SECTION. I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 5 of an Act entitled, "*An Act to revise the law in relation to paupers,*" approved March 23, 1874, in force July 1, 1874, be and the same is amended to read as follows:

§ 5. At least three days' notice of such application shall be given to the defendant, by summons, requiring him to appear and answer the complaint.

APPROVED May 24, 1907.

PENITENTIARIES.

CONVICT LABOR ON ROAD MATERIAL, ETC.

§ 1. Amends section 2, Act of 1905.

§ 2. Application to State Highway Commission — use of material.

(SENATE BILL NO. 481. APPROVED JUNE 3, 1907.)

AN ACT to amend section 2 of an Act entitled, "An Act authorizing and empowering the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois in the manufacture of tile and culvert pipe for road drainage purposes, and in the manufacture of machinery, tools and appliances for the building, maintaining and repairing of the wagon roads of the State, and for preparing road building and ballasting material, upon the requisition of the State Highway Commission," approved May 18, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 2 of an Act entitled, "An Act authorizing and empowering the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois in the manufacture of tile and culvert pipe for road drainage purposes, and in the manufacture of machinery, tools and appliances for the building, maintaining and repairing of the wagon roads of the State; and for preparing road building and ballasting material upon the requisition of the State Highway Commission," approved May 18, 1905, in force July 1, 1905, be, and the same is hereby amended so as to read as follows:

§ 2. The commissioners of highways in any township in counties under township organization or the commissioners of highways or boards of county commissioners in counties not under township organization, may make application to the said State Highway Commission for such road building material, tile, culvert pipe, road making machinery, tools and other appliances as may be needed or required by them for the construction, improvement or repairing of the wagon roads in their respective townships or road districts, and where by agreement of the commissioners of highways in counties under township organization, or the commissioners of highways or boards of county commissioners in counties not under township organization, as the case may be, with the city council of any city, or the board of trustees of any village within the limits of such town, any gravel, rock, macadam or other hard road is extended within or through the corporate limits of such city or village then for the construction, improvement or repairing of so much of said road as lies within the corporate limits of such city or village, provided such extension within such city or village shall be of the same cost and kind of material as the road outside such city or village, obligating themselves to use such material according to the rules and regulations formulated and approved by the State Highway Commission.

APPROVED June 3, 1907.

PRACTICE.

PRACTICE AND PROCEDURE IN COURTS OF RECORD.

- § 1. Process—form—when returnable.
- § 2. Service—fees—return.
- § 3. Service less than ten days—continuance.
- § 4. Alias writs.
- § 5. Sheriff, etc., ruled to return process.
- § 6. Where suits brought.
- § 7. Process against insurance company.
- § 8. Process against incorporated company.
- § 9. Process against county.
- § 10. Process against city, village or town.
- § 11. Process against receiver, etc.
- § 12. Process against trustee, etc.
- § 13. Process against co-partnership when members are non-residents.
- § 14. Service in part—*scire facias* against defendant not served.
- § 15. Process in *mandamus* and *quo warranto*.
- § 16. Plaintiff and defendant to enter appearance in writing, stating residence, etc.—service by copy.
- § 17. Person joined as plaintiff—indemnity obligation, etc.
- § 18. Suit on chose in action.
- § 19. Dockets.
- § 20. Causes apportioned—subpoenas returnable.
- § 21. Order of trial—separate dockets.
- § 22. Subpoenas—penalty.
- § 23. Chancery docket in certain cases.
- § 24. Joint debtors—separate judgments.
- § 25. Copy of pleading for adverse party.
- § 26. Submitting case orally—agreement—judgment—record.
- § 27. Short cause calendar.
- § 28. Trials on short cause calendar.
- § 29. One hour for trial of cause.
- § 30. Cause may be continued.
- § 31. Cause stricken from regular docket.
- § 32. Declaration—copy of account, etc.—time of filing—continuance.
- § 33. Sealed instruments—set-off.
- § 34. Profert—oyer.
- § 35. Penal bonds.
- § 36. Trespass—case—distinctions abolished.
- § 37. Trover—replevin.
- § 38. Claims for rent joined.
- § 39. Amendments.
- § 40. Transfer of civil suit.
- § 41. Proceeding against new defendant.
- § 42. Continuance on amendment.
- § 43. *Scire facias*.
- § 44. Time to plead.
- § 45. Plea in abatement—respondent ouster.
- § 46. Pleading—notice.
- § 47. Set-off.
- § 48. When dismissal not allowed.
- § 49. Notice of set-off—copy, etc.
- § 50. Pleading *puis darrein* continuance.
- § 51. Replications and rejoinders.
- § 52. Denial of execution or assignment.
- § 53. Joint rights of plaintiffs.
- § 54. Joint liability—proof.
- § 55. Affidavit of plaintiff's claim.
- § 56. When affidavit evidence.
- § 57. Judgment by default.
- § 58. Setting aside judgment and default.
- § 59. Assessment of damages.
- § 60. Trial by court.
- § 61. Submitting written propositions.
- § 62. Continuance for evidence.
- § 63. Immaterial evidence—affidavit admitted.
- § 64. Effect of admitting affidavit.
- § 65. Continuance in time of war.
- § 66. Continuance—General Assembly.

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| <p>§ 67. Cases excepted.</p> <p>§ 68. Order of reference—referee—report.</p> <p>§ 69. Challenge of jurors</p> <p>§ 70. Non-suit on trial.</p> <p>§ 71. Faulty counts disregarded.</p> <p>§ 72. Charging jury.</p> <p>§ 73. Instructions in writing.</p> <p>§ 74. Marking instructions—modifying—exceptions.</p> <p>§ 75. Instructions taken by jury.</p> <p>§ 76. Papers, etc., taken by jury.</p> <p>§ 77. Verdict—new trial. etc.</p> <p>§ 78. Verdict not set aside for defective count.</p> <p>§ 79. Verdicts in civil cases—general—special.</p> <p>§ 80. Arrest of judgment.</p> <p>§ 81. Exceptions during trial.</p> <p>§ 82. Exceptions in trial by court.</p> <p>§ 83. Other exceptions.</p> <p>§ 84. Exceptions in criminal cases.</p> <p>§ 85. Affidavits to be filed.</p> <p>§ 86. Oral examinations.</p> <p>§ 87. Motions in vacations</p> <p>§ 88. Judgment by confession.</p> <p>§ 89. Error <i>coram nobis</i>.</p> <p>§ 90. Clerk may call in judge.</p> <p>§ 91. Appeals and writs of error—limitations.</p> <p>§ 92. Appeals—condition of bond.</p> <p>§ 93. Clerk may approve security.</p> <p>§ 94. No dismissal for insufficiency of bond.</p> <p>§ 95. Bond — bail — surety — examination, etc.</p> <p>§ 96. Attorney not to be surety in criminal action.</p> <p>§ 97. Appeal by either of several persons.</p> <p>§ 98. Appeals without bond.</p> | <p>§ 99. Appeals, etc., docketed in Appellate and Supreme Courts.</p> <p>§ 100. When record to be filed.</p> <p>§ 101. Dismissal of appeal—damages.</p> <p>§ 102. Transfer of case wrongfully appealed.</p> <p>§ 103. Agreed case.</p> <p>§ 104. Judge may certify questions of law.</p> <p>§ 105. Proviso.</p> <p>§ 106. When writ of error not to operate as supersedeas.</p> <p>§ 107. Cross-errors.</p> <p>§ 108. Joinder in error—pleading.</p> <p>§ 109. Plea of release of error.</p> <p>§ 110. Final judgment on appeal—execution.</p> <p>§ 111. Partial reversal — remittitur — remanding cause.</p> <p>§ 112. Dismissal of appeal—execution.</p> <p>§ 113. Remanding cause—order—notice—fee bill.</p> <p>§ 114. Transcript not filed within two years.</p> <p>§ 115. Transcript of remanding order certified by clerk—costs.</p> <p>§ 116. Papers returned to trial court.</p> <p>§ 117. Writ of error—limitation.</p> <p>§ 118. Appeals and writs of error.</p> <p>§ 119. Appeals from Appellate to Supreme Court.</p> <p>§ 120. Final order of Appellate Court—recital of facts—proviso.</p> <p>§ 121. Appeals from Appellate to Supreme Court.</p> <p>§ 122. Questions of law.</p> <p>§ 123. Appeals from interlocutory orders.</p> <p>§ 124. Supreme Court to make rules.</p> <p>§ 125. Proceedings when defendant in error is not found.</p> <p>§ 126. Exempts member of General Assembly from service of civil process during session.</p> <p>§ 127. Repeals certain Acts.</p> |
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(HOUSE BILL NO. 241. APPROVED JUNE 3, 1907.)

AN ACT in relation to practice and procedure in courts of record.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: The first process in all actions*

to be hereafter commenced in any of the courts of record in this State shall be a summons, except actions where special bail may be required; which summons shall be issued under the seal of the court, tested in the name of the clerk of such court, dated on the day it shall be issued, and signed with his name, and shall be directed to the sheriff (or, if he be interested in the suit, to the coroner of the county), and shall be made returnable on the first day of the next term of the court in which the action may be commenced. If ten days shall not intervene between the time of suing out the summons and the next term of court, it shall be made returnable to the succeeding term. The plaintiff may, in any case, have summons made returnable at any term of the court which may be held within three months after the date thereof.

§ 2. It shall be the duty of the sheriff or coroner to serve all process of summons or *capias*, when it shall be practicable, ten days before the return day thereof, and to make return of such process to the clerk who issued the same, by or on the return day, with an endorsement of his service, the time of serving it, and the amount of his fees: *Provided*, that when such process shall have been directed to a foreign county, the officer executing the same may make return thereof by mail; and the clerk may charge the postage and tax the amount in his fee bill. Service of summons, except when otherwise expressly provided by statute, shall be made by leaving a copy thereof with the defendant in person.

§ 3. If it shall not be in the power of the sheriff or coroner to serve a summons or *capias* ten days before the return day thereof, he may execute the same at any time before, or on the return day; but if not served ten days before the return day thereof, the defendant shall be entitled to a continuance, and shall not be compelled to plead before the next succeeding term.

§ 4. Whenever it shall appear, by the return of the sheriff or coroner, that the defendant is not found, the clerk shall, at the request of the plaintiff, issue another summons or *capias*, as the case may be, and so on until service is had.

§ 5. If any sheriff or coroner to whom any summons, *capias* or *subpœna* shall be delivered, shall neglect or refuse to make return of the same before or on the return day of such process, the plaintiff may enter a rule requiring said sheriff or coroner to make return of such process on a day to be fixed by the court, or to show cause on that day why he should not be attached for a contempt of the court; and the plaintiff shall thereupon cause a written notice of such rule to be served on such sheriff or coroner; and if good and sufficient cause be not shown to excuse such officer, the court shall judge him guilty of a contempt, and shall proceed to punish such officer as in other cases of contempt.

§ 6. It shall not be lawful for any plaintiff to sue any defendant out of the county where the latter resides or may be found, except in local actions, and except that in every species of personal actions in law where there is more than one defendant, the plaintiff commencing his action where either of them resides, may have his writ or writs issued

directed to any county or counties where the other defendant, or either of them, may be found: *Provided*, that if a verdict shall not be found or judgment rendered against the defendant or defendants, resident in the county where the action is commenced, judgment shall not be rendered against those defendants who do not reside in the county, unless they appear and defend the action, nor then if the action is dismissed as to the defendant or defendants resident in the county. Actions against a railroad or bridge company may be brought in the county where its principal office is located, or in the county where the cause of action accrued, or in any county into or through which its road or bridge may run.

§ 7. The courts of record of the county wherein the plaintiff or complainant may reside shall have jurisdiction of all actions hereafter to be commenced by any individual against any insurance company, either incorporated by any law of this State or doing business in this State. And all process issued in any cause commenced in the county wherein the plaintiff may reside, where in an individual may be plaintiff or complainant and any such company defendant, may be directed to any county of this State for service and return.

§ 8. An incorporated company may be served with process by leaving a copy thereof with its president, if he can be found in the county in which the suit is brought. If he shall not be found in the county, then by leaving a copy of the process with any clerk, secretary, superintendent, general agent, cashier, principal, director, engineer, conductor, station agent or any agent of said company found in the county; and in case the proper officer shall make return upon such process that he cannot in his county find any clerk, secretary, superintendent, general agent, cashier, principal, director, engineer, conductor, station agent or any other agent of said company, then such company may be notified by publication and mail in like manner and with like effect as is provided in sections twelve (12) and thirteen (13) of an Act entitled, "An Act to regulate the practice in courts of chancery."

§ 9. Process against a county may be served by leaving a copy thereof with the clerk or chairman of the county board or clerk of the county court in counties not under township organization, until a board of county commissioners is elected, as provided in the constitution.

§ 10. In suits against a city, village or town, process may be served by leaving a copy thereof with the mayor or city clerk, in case of a city, and with the president of the board of trustees or clerk, in the case of a village, and with the supervisor or town clerk, in case of a town.

§ 11. The receiver or receivers of any incorporated company may be served with process by leaving a copy of such process with such receiver or receivers, if he or they can be found in the county in which the suit is brought; if he or they shall not be found in the county, then by leaving a copy of such process with any clerk, secretary, superintendent, general agent, engineer, conductor, station agent or any agent in the employ of such receiver or receivers who may be found in the county in which such suit is brought.

§ 12. A trustee or trustees operating, managing or controlling a railway may be served with process by leaving a copy of such process with such trustee or trustees, if he or they can be found in the county in which the suit is brought; if he or they shall not be found in the county, then by leaving a copy of such process with any clerk, secretary, superintendent, general agent, engineer, conductor, station agent or any agent in the employ of such trustee or trustees who may be found in the county in which such suit is brought.

§ 13. A co-partnership, the members of which are all non-residents, but having a place or places of business in any county of this State in which suit may be instituted, may be sued by the usual and ordinary name which it has assumed and under which it is doing business, and service of process may be had in such county upon such co-partnership by serving the same upon any agent of said co-partnership within this State.

§ 14. If a summons or *capias* is served on one or more, but not on all of the defendants, the plaintiff may proceed to trial and judgment against the defendant or defendants on whom the process is served, and the plaintiff may at any time afterwards have a summons, in the nature of *scire facias*, against the defendant not served with the first process, to cause him to appear in said court and show cause why he should not be made a party to such judgment; and upon such defendant being duly served with such process, the court shall hear and determine the matter in the same manner as if such defendant had been originally summoned or brought into court, and such defendant shall also be allowed the benefit of any payment or satisfaction which may have been made on the judgment before recovered, and the judgment of the court against such defendant shall be that the plaintiff recover against such defendant, together with the defendant in the former judgment, the amount of his debt or damages, as the case may be.

§ 15. It shall not be necessary hereafter in any action of *mandamus* or *quo warranto*, to set out the cause of action in the writ, but it shall be sufficient to summon the defendant in a summons in the usual form, commanding the defendant to appear and answer the plaintiff in an action of *mandamus* or *quo warranto*, as the case may be, and the issue shall be made up by answering, pleading or demurring to the petition, as in other cases.

§ 16. Before a party prosecutes or defends in his own proper person in any action or proceeding at law or in equity, he shall enter his appearance in writing and shall state therein a place within the county in which the action or proceeding is pending, where service of notices or other papers necessary or desired to be given or served in such action or proceeding may be had upon him, and shall also state therein his place of residence and principal place of business. Such places shall be stated with particularity so as to be capable of easy identification. Notices or other papers to be served in such action or proceeding upon a party so appearing may be served upon him in person or by leaving a copy thereof at such designated place, residence or place of business, with some person employed therein, or of the family of such party, of

the age of ten years or upwards, and informing such person of the contents thereof; and when so served, shall have like effect as though such party had appeared by attorney and such notice or other paper had been served upon his attorney.

§ 17. If any person necessary to be joined as plaintiff in any suit or proceeding shall, upon request, not consent to join therein, his name may nevertheless be used by the other party plaintiff, upon filing with the clerk of the court an obligation with good and sufficient sureties, to be approved by a judge or the clerk of the court in which the suit or proceeding is to be commenced, shown by his endorsement of approval thereon, to protect, save harmless and indemnify the person whose name is so used, from the payment of any costs, judgment or expenses in said suit. If, however, the plaintiffs shall recover a judgment in such suit or proceeding, the person so refusing to allow the use of his name shall not be entitled to receive any part thereof until he pays the expense incurred in giving the obligation and his equitable share of the costs and expenses of the litigation, including plaintiff's attorney's fees, and discharges the obligation.

§ 18. The assignee and equitable and *bona fide* owner of any chose in action not negotiable heretofore or hereafter assigned, may sue thereon in his own name, and he shall in his pleading on oath, or by his affidavit, where pleading is not required, allege that he is the actual *bona fide* owner thereof, and set forth how and when he acquired title; but in such suit there shall be allowed all just set-offs, discounts and defenses, not only against the plaintiff, but also against the assignor or assignors, before notice of such assignment shall be given to the defendant.

§ 19. The clerks of the court shall keep a docket of all the causes pending in their respective courts, in which shall be entered the names of the parties, the cause of action and the name of the plaintiff's attorney, and he shall furnish the judge and bar, at each term, with a copy of the same, in which all indictments and causes to which the People may be a party shall be first set down, after which shall be set down all cases in law, in order, according to the date of their commencement, and lastly, the suits in chancery. Where the business of the court shall be so large as to require it, separate dockets may be made of the criminal, law and chancery cases.

§ 20. The causes shall be set and apportioned for such days of the term as the judge may direct or as may be fixed by rule of the court, and all subpoenas for witnesses shall be made returnable on the day on which the cause in which the witnesses are to be called is set for trial, or the first day of the term, when such day has not been fixed.

§ 21. All causes shall be tried, or otherwise disposed of, in the order they are placed on the docket, unless the court, for good and sufficient cause, shall otherwise direct: *Provided, however*, that in any county wherein two or more judges shall be holding separate branches of the same court, at the same time, for the trial of causes, such court may direct the clerk to make out two or more trial dockets and

to place all causes upon notes and other instruments of writing for the payment of money only, and upon open accounts, on one of such dockets, all appeals from justices of the peace on another of such dockets, and may cause such other distribution of such causes upon the same or separate dockets as in its discretion it may deem necessary and proper, and the court may try or otherwise dispose of the causes in their order on any of such dockets as it may deem proper: *And, provided*, that the county court may direct the clerk to make out a trial docket upon which he shall place for speedy hearing all appeals from justices of the peace, and the court may try or otherwise dispose of the causes on such docket in their order: *And, provided, further*, no suit, action or proceeding, at law or in equity, shall be dismissed for want of prosecution at any time except when such cause shall be actually reached for trial in its order as set for trial, or upon the short cause or daily trial calendar of the court; but in any suit in equity the court may, on motion and notice to the complainant for the cause shown, make an order according to the state of the suit to speed the cause within a reasonable time to be fixed in such order, and on failure to comply therewith may dismiss the suit for want of prosecution.

§ 22. The clerk of any court in which a suit is pending shall, from time to time, issue subpoenas for such witnesses, and to such counties in the State as may be required by either party, and every clerk who shall refuse so to do shall be fined, at the discretion of the court, in any sum not exceeding \$100.00.

§ 23. In any court wherein five or more judges of the same court shall be holding separate branches thereof at the same time, for the trial of causes, such judges shall designate not less than two of their number to call the chancery docket of the court. Such designation shall be made in the month of June in each year and shall be for the period of one year. In default of action by the judges, during the month of June, or in case any judge so designated shall decline to serve or shall die or resign, the presiding judge or chief justice of the court shall make such designation, and may designate himself as one of such judges.

§ 24. When several joint debtors are sued, and any one or more of them shall not be served with process, the pendency of such suit or the recovery of a judgment against the parties served shall be no bar to a recovery on the original cause of action against such as are not served, in any suit which may be brought against them in any other place than in the county where the first suit is brought. This section shall not be so construed as to allow more than one satisfaction.

§ 25. At the same time that any pleading is filed in any court of record, a copy thereof for the use of the adverse party shall also be filed. The original of such pleading shall not be taken from the court without leave thereof. No fee shall be taxed by the clerk for filing such copy.

§ 26. Any two or more persons or corporations may appear in person or by attorney, in any circuit court, or in the superior court of

Cook county, and submit to any judge thereof, or to any three judges thereof who will consent to hear the same, orally and without formal pleadings, any matter in controversy, or any suit or proceeding then pending at law or in chancery, having first entered into a written agreement, to be entered of record, and substantially in the following form, to-wit:

In the circuit court of. county (title of cause, if pending).

First. We (here insert names) do hereby mutually agree to submit to Judge. (here insert name or names) of said court certain matters in controversy between us (or in the above entitled cause) for his (or their) determination, without a jury to hear the same forthwith, and he (or they, or any two of them) to enter the judgment or decree of the court therein within (here insert number of days or "forthwith") days after such hearing is concluded.

Second. That said judgment or decree shall contain a statement as to what matters in controversy were (or that the cause was) so submitted, and such statement thereof shall be conclusive.

Third. That no further record except of this agreement and of such judgment or decree shall be made as to the matters in controversy (or cause) so submitted, or as to the proceedings had on the hearing thereof.

Fourth. That such judgment or decree may be enforced in like manner as other judgments and decrees of such court.

Fifth. That we, each to the other, hereby waive all right of appeal from such judgment or decree, and release all errors that may intervene in the hearing of the matters (or cause) so submitted, and in the entering up of the judgment or decree therein, and agree that this release of errors may be pleaded in bar of any writ of error that may be sued out as to such judgment or decree.

Witness our hands and seals this day of
A. D.

(SEAL.)

(SEAL.)

Such agreement shall be signed by the parties in person, or by [a] duly authorized attorney in fact, and when so executed shall be of binding force upon the parties thereto, in all the courts of this State. It shall be the duty of such judge or judges to proceed, and in a summary manner to hear and determine the matters (or cause) so submitted, and he, or if submitted to three judges, any two of them, shall enter a judgment or decree therein, within the time fixed in said agreement, which said judgment or decree shall be final and conclusive and may be enforced in like manner as other judgments or decrees of such court; but no appeal shall be allowed therefrom.

§ 27. It shall be the duty of the clerk of each court of record in this State, to prepare a trial calendar, in addition to the regular trial calendar of each court, to be known as the "Short Cause Calendar." Upon any party, his agent or attorney, in any suit at law, pending in any court of record, filing an affidavit that he verily believes the trial of said suit will not occupy more than one hour's time, and upon ten days' previous notice to all of the other parties to the suit, his, or their

agent or attorney, said suit shall be placed by the clerk upon said "Short Cause Calendar," but the suit shall not be placed upon the short cause calendar by the defendant unless he files his affidavit within sixty days after the suit is at issue.

§ 28. It shall be the duty of each judge of a court of record engaged in the trial of suits on the common law docket to set apart and designate at least one day in each week during every term of court for the trial of suits upon the "Short Cause Calendar," and such suits shall be tried and disposed of on said days in the order in which they are placed upon such calendar, and such "Short Cause Calendar" shall be a continuous calendar and suits once placed upon it shall remain thereon until disposed of in their order.

§ 29. If the trial of any suit which is upon the "Short Cause Calendar" shall occupy more than one hour's time, then the court may in its discretion, stop the trial, take the case from the jury, and continue it, and the suit shall, unless otherwise ordered by the court, go to the foot of the docket and shall not again be placed upon the "Short Cause Calendar," and all costs to that time shall be taxed against the party so placing the suit upon the "Short Cause Calendar," and shall be paid by him as a condition to his further prosecuting or defending the suit.

§ 30. A suit upon the "Short Cause Calendar" may be passed or continued for good cause shown the same as other suits, and if so passed or continued it shall lose its place upon such calendar, but may be again placed thereon.

§ 31. If a suit which is upon the regular calendar shall be placed upon the "Short Cause Calendar," it shall be stricken off the regular trial calendar and shall not again be placed thereon, except upon notice to all the other parties to the suit, his, or their agent or attorney.

§ 32. If the plaintiff shall not file his declaration, together with a copy of the instrument of writing or account on which the action is brought in case the same be brought on a written instrument or account, ten days before the court at which the summons or *capias* is made returnable, the court, on motion of the defendant, shall continue the cause at the cost of the plaintiff, unless it shall appear that the suit was commenced within ten days of the sitting of the court, in which case the cause shall be continued without costs, unless the parties shall agree to have a trial; and if the declaration and copy of the instrument of writing or account, on which the action is brought, shall not be filed ten days before the second term of the court, the defendant shall be entitled to a judgment as in case of a non-suit: *Provided*, that in all suits by *capias*, where the defendant shall have been arrested, and in *replevin* and attachment, the plaintiff may be required to file his declaration at the first term, and the defendant may have a trial at such term, unless sufficient cause for a continuance is shown.

§ 33. Any deed, bond, note, covenant or other instrument under seal (except penal bonds), may be sued and declared upon or set off as heretofore or in any form of action in which such instrument might

have been sued and declared upon or set off if it had not been under seal, and demands upon simple contracts may be set off against demands upon sealed instruments, judgments or decrees.

§ 34. It shall not be necessary, in any pleading, to make *profert* of the instrument alleged; but in any action or defense upon an instrument in writing, whether under seal or not, if the same is not lost or destroyed, the opposite party may have *oyer* thereof and proceed thereon in the same manner as if *profert* had been properly made according to the common law.

§ 35. In actions brought on penal bonds, conditioned for the performance of covenant, the plaintiff shall set out the conditions thereof, and may assign in his declaration as many breaches as he may think fit; and the jury, whether on trial of the issue or of inquiry, shall assess the damages for so many breaches as the plaintiff shall prove, and the judgment for the penalty shall stand as a security for such other breaches as may afterwards happen, and the plaintiff may, at any [time] afterwards, sue out a writ of inquiry to assess damages for the breach of any covenant or covenants contained in such bond, subsequent to the former trial or inquiry; and whenever execution shall be issued on such judgment, the clerk shall endorse thereon the amount of damages assessed by the jury, with the costs of suit, and the sheriff or coroner shall only collect the amount so endorsed: *Provided*, that in all cases where a writ of inquiry of damages shall be issued for any such breaches, subsequent to the first trial or inquiry, the defendant, or his agent or attorney, shall have at least ten days' notice, in writing, of the time of executing the same.

§ 36. The distinctions between the actions of "trespass" and "trespass on the case" are hereby abolished; and in all cases where trespass or trespass on the case has been heretofore the appropriate form of action, either of said forms may be used, as the party bringing the action may elect.

And it shall be lawful for any owner of real estate though not in possession of the same where the same is in possession of some person or persons claiming under him, as tenant or otherwise, to bring an action in trespass or case for any injury to his rights in such land, as owner, reversioner, remainderman or otherwise the same as if in possession of said land against the person or persons claiming under him or against a stranger committing trespass or injury to the rights of such person in said land: *Provided, however*, that nothing herein shall deprive the person in possession of any right of action he may have for injury to his possession, nor shall this action be extended to any case where a dispute in the title is the foundation of the action between the parties.

§ 37. Counts in trover and replevin may be joined in the same action.

§ 38. A claim for rent may be joined in a complaint or proceeding of forcible entry and detainer.

§ 39. At any time before final judgment in a civil suit, amendments may be allowed on such terms as are just and reasonable, introducing any party necessary to be joined as plaintiff or defendant, discontinu-

ing as to any joint plaintiff or joint defendant, changing the form of the action, and in any matter either of form or substance, in any process, pleading or proceeding which may enable the plaintiff to sustain the action for the claim for which it was intended to be brought or the defendant to make a legal defense. The adjudication of the court allowing an amendment shall be conclusive evidence of the identity of the action.

§ 40. If the party commencing any civil suit or proceeding shall have misconceived his remedy, he may be permitted, in the discretion of the court, and on payment of all accrued costs and such clerk's advance fees as are required for the commencement of the suit in the proper form, by proper amendments, in the same proceeding, to transfer the suit, if at law, to chancery, and if in chancery, to the law docket of the court; and when so transferred, the suit shall proceed as though originally commenced on such side of the court.

§ 41. In case another defendant is added, summons may issue against such defendant, returnable to the next term of the court, and he may be proceeded against in the same manner as if he had been made a defendant at the commencement of the suit.

§ 42. No amendment shall be cause for continuance, unless the party affected thereby, or his agent or attorney, shall make affidavit that in consequence thereof, he is unprepared to proceed to or with the trial of the cause at that term, and if the cause thereof is on account of material evidence which the party can not produce, unless time be given him for the purpose, stating in such affidavit what particular fact or facts the party expects to prove by such evidence, and that he verily believes that if the cause is continued, he will be able to procure the same by the next term of the court: *Provided*, that if the application for continuance is on account of the absence of evidence, and the court is satisfied such evidence would not be material on the trial of the cause, or if the other party will admit the affidavit in evidence subject to the effect given to affidavits for a continuance in this chapter, the cause shall not be continued.

§ 43. It shall not be necessary to file a declaration in any *scire facias* to revive a judgment, or foreclose a mortgage, in any court of record in this State. And in any such case of *scire facias* to revive a judgment, where the plaintiff in the judgment sought to be revived, or his attorney, shall file an affidavit in the office of the clerk of the court, out of which the writ issues, showing that the defendant in the *scire facias* resides, or has gone out of the State, or is concealed within the State, so that process can not be served on him, and stating the place of residence of such defendant, if known, or that on due inquiry his place of residence can not be ascertained; then, in such case, notice to the defendant may be given by publication and mail in the manner to the defendant may be given by publication and mail in the same manner as is provided by statute for notice in like cases in chancery.

§ 44. On the appearance of the defendant or defendants, the court may allow such time to plead as may be deemed reasonable and necessary.

§ 45. If the issue on any plea in abatement is the truth of a statement in the return on the summons, or that the defendant is sued out of his proper county, or is not subject to suit in the county in which the suit is brought, or that the court has no jurisdiction over the person of the defendant, and such issue is found against the defendant, the judgment shall be respondent ouster.

§ 46. The defendant may plead as many matters of fact in several pleas as he may deem necessary for his defense, or may plead the general issue, and give notice in writing under the same, of the special matters intended to be relied on for a defense on the trial; in which notice the special matters so intended to be relied on shall be clearly and explicitly stated; and under which notice, if adjudged by the court to be sufficiently clear and explicit, the defendant shall be permitted to give evidence of the facts therein stated, as if the same had been specially pleaded and issue taken thereon.

§ 47. The defendant in any action brought upon any contract or agreement, either express or implied, having claims or demands against the plaintiff in such action, may plead the same; or give notice thereof, under the general issue or under the plea of payment, and the same, or such part thereof as the defendant shall prove on trial shall be set off and allowed against the plaintiff's demand and a verdict shall be given for the balance due. No such claim or demand shall be allowed under a notice under the general issue or under a plea of payment, unless the nature of such claim or demand is clearly and explicitly described in such notice or plea. If it shall appear that the plaintiff is indebted to the defendant, the jury shall find a verdict for the defendant and certify to the court the amount so found; and the court shall give judgment in favor of such defendant, with the costs of his defense. If the cause is tried by the court the finding and judgment shall be in like manner.

§ 48. When such plea or notice of set-off shall have been interposed, the plaintiff shall not be permitted to dismiss his suit without the consent of the defendant or leave of the court.

§ 49. If the defendant shall plead or give notice of any set-off he shall file with such plea or notice a copy of the instrument or account upon which he intends to rely.

§ 50. The pleading of a plea *puis darrein* continuance shall not waive former pleas: *Provided, however*, that the court may permit more than one such plea to be filed, and, in granting such permission, may direct that the pleading thereof shall be a waiver of former pleas.

§ 51. Whenever it shall become necessary, for the attainment of justice, to allow a plaintiff to reply several matters to the plea of a defendant, or to allow a defendant to rejoin several matters to the replication of a plaintiff, the court in which the action shall be pending, on the special application of the party desiring so to reply or rejoin, may allow the same to be done.

§ 52. No person shall be permitted to deny, on trial, the execution or assignment of any instrument in writing, whether sealed or not, upon which any action may have been brought, or which shall be

pleaded or set up by way of defense or set-off, or is admissible under the pleadings, when a copy is filed, unless the person so denying the same shall, if defendant, verify his plea by affidavit; and if plaintiff shall file his affidavit denying the execution or assignment of such instrument: *Provided*, if the party making such denial be not the party alleged to have executed or assigned such instrument, the denial may be made on the information and belief of such party.

§ 53. In trials of actions upon contracts, express or implied, where the action is brought by partners, or by joint payees or obligees, it shall not be necessary for the plaintiff, in order to maintain such action, to prove the co-partnership of the individuals named in such action, or to prove the Christian or surnames of such partners or joint payees or obligees; but the names of such co-partners, joint payees or obligees shall be presumed to be truly set forth in the declaration, petition or bill: *Provided*, that nothing herein contained shall prevent the defendant in any such action from pleading in abatement as heretofore, or of proving, on the trial, either that more persons ought to have been plaintiffs, or that more persons have been made plaintiffs than have a legal right to sue, or that the Christian or surname is other and different from the one stated in the declaration, petition or bill.

§ 54. In actions upon contracts, express or implied, against two or more defendants, as partners or joint obligors or payors, whether so alleged or not, proof of the joint liability or partnership of the defendants, or their Christian or surnames, shall not, in the first instance, be required to entitle the plaintiff to judgment, unless such proof shall be rendered necessary by pleading in abatement, or unless the defendant shall file a plea in bar, denying the partnership, or joint liability, or the execution of the instrument sued upon, verified by affidavit.

§ 55. If the plaintiff in any suit upon a contract, express or implied, for the payment of money, shall file with his declaration an affidavit showing the nature of his demand, and the amount due him from the defendant, after allowing to the defendant all his just credits, deductions and set-offs, if any, he shall be entitled to judgment, as in case of default, unless the defendant, or his agent or attorney, shall file with his plea an affidavit, stating that he verily believes the defendant has a good defense to said suit upon the merits to the whole or a portion of the plaintiff's demand, and specifying the nature of such defense, and if a portion specifying the amount (according to the best of his judgment and belief), upon good cause shown, the time for filing such affidavit may be extended for such reasonable time as the court shall order; no affidavit of merits need be filed with a demurrer or motion: *Provided*, that this section shall not apply to any case where an executor or administrator shall defend in behalf of an estate: *And, provided, further*, that if the plaintiff, his agent or attorney, shall file an affidavit stating that affiant is taken by surprise by such plea and affidavit of merits, and that he believes that plaintiff has testimony to support his claim against the defendant which he cannot produce at that term of court, but expects to produce by

the next term, the court shall continue such cause until the next term. If the affidavit of defense is to only a portion of the plaintiff's demand, the plaintiff shall be entitled to a judgment for the balance of his demand, and the suit shall thereafter proceed as to the portion of the plaintiff's demand in dispute as if the suit had been brought therefor; but in such case the court may make such order as to the costs of the suit as may be equitable.

§ 56. When any part of the demand is upon an account, and the defendant shall suffer default for the want of an affidavit of merits, or for non-appearance, or for *nil dicit*, the affidavit so filed with the declaration may be taken as *prima facie* evidence of the amount due upon such account; but the court may require further evidence.

§ 57. For want of appearance the court may give judgment by default, except in cases where the process has not been served, or declaration filed, ten days before the term of the court.

§ 58. The court may, in its discretion, before final judgment, set aside any default, and may, during the term, set aside any judgment upon good and sufficient cause, upon affidavit, upon such terms and conditions as shall be deemed reasonable.

§ 59. In all suits in the courts of record in this State upon default, when the damages are to be assessed, it shall be lawful for the court to hear the evidence and assess the damages without a jury for that purpose. In all cases where interlocutory judgment shall be given in any action brought upon a penal bond, or upon any instrument of writing, for the payment of money only, and the damages rest in computation, the court may refer it to the clerk, to assess and report the damages, and may enter judgment therefor: *Provided*, that either party may have the damages assessed by a jury.

§ 60. In all cases in any court of record in this State, if both parties shall agree, both matters of law and fact may be tried by the court.

§ 61. Upon a trial by the court either party may, within such time as the court may require, submit to the court written propositions to be held as law in the decision of the case, upon which the court shall write "refused" or "held," as he shall be of opinion is the law, or modify the same, to which either party may except as to other opinions of the court. In any case so tried the court shall find specially upon any material question or questions of fact which shall be submitted in writing by either party before the commencement of the argument.

§ 62. When either party shall apply for a continuance of a cause on account of the absence of material evidence, the motion shall be supported by the affidavit of the party so applying or his authorized agent, showing that due diligence has been used to obtain such evidence, or the want of time to obtain it, and of what particular fact or facts the same consists, and if the evidence consists of the testimony of a witness, his place of residence, or if his place of residence is not known, showing that due diligence has been used to ascertain the same, and that if further time is given such evidence can be procured. The

court may permit an additional affidavit to be filed to supply any necessary averment which has been omitted from the original affidavit. The court may, by consent of the adverse party, postpone the trial to a subsequent day in the term, without prejudice, however, to the right of either party to make further application, or may continue the trial until the next term of the court.

§ 63. Should the court be satisfied that such evidence would not be material on the trial of the cause, or if the other party will admit the affidavit in evidence, the cause shall not be postponed or continued.

§ 64. When the affidavit is concerning the evidence of a witness, the party admitting such affidavit shall be held to admit only that if the absent witness were present he would testify as alleged in the affidavit, and such admission shall have no greater force or effect than if such absent witness were present and testified as alleged in the affidavit, leaving it to the party admitting such affidavit to controvert the statements contained therein, or to impeach said witness, the same as if such witness were present and examined in open court.

§ 65. It shall be a sufficient cause for a continuance of any case, in time of war or insurrection, that the defendant is in the military service of the United States or of this State, if it shall be made to appear to the court, by affidavit, and that the presence of the defendant is in any degree necessary for a full and fair defense of the suit. The costs of a continuance under this section shall abide the result of the suit.

§ 66. In all suits at law or in equity, pending in any court of this State at any time when the General Assembly is in session, it shall be a sufficient cause for a continuance if it shall appear to the court, by affidavit, that any party applying for such continuance, or any attorney, solicitor or counsel of such party, is a member of either house of the General Assembly, and in actual attendance on the sessions of the same, and that the attendance of such party, attorney, solicitor or counsel, in court, is necessary to a fair and proper trial of such suit; and, on the filing of such affidavit, the court shall continue such suit; and when so continued, no trial or other proceedings shall be had therein until the adjournment of the General Assembly, nor within ten days thereafter. Such affidavit shall be sufficient, if made at any time during the session of the General Assembly, showing that at the time of making the same, such party, attorney, solicitor or counsel is in actual attendance upon such session of the General Assembly.

§ 67. The foregoing section shall not apply to cases of application for continuance by reason of the absence of any attorney, or solicitor or counsel, who shall not have been actually employed in such suit prior to the commencement of such session of the General Assembly, nor to the practice in the supreme court.

§ 68. All actions in which matters of account are in controversy, may, by order of the court, be referred to some competent person or persons as a referee or referees to state and report an account between the parties, and the amount that may be due from either party to the other, which report, when confirmed by the court, shall be final and

conclusive between the parties and judgment entered thereon and execution issued in the manner provided by law in cases of arbitration and award, but either party may, within ten days after notice of the filing of the report, file exceptions thereto and demand a trial, in which case the action shall be tried as other cases, and upon such trial the report of the referee or referees shall be *prima facie* evidence of all the facts therein found and reported; and no other exceptions shall be considered on the trial than those filed as above provided. When more than one referee is appointed by an order of reference, a report signed by the majority of the referees shall be considered as the report of the referees. The referee or referees shall receive the same fees as are provided by law for referees, and the costs of the reference shall abide the result of the suit. Notice of the filing of the report shall be given the respective parties by the referee or referees, and he or they shall file proof thereof, with the report.

§ 69. In all civil actions each party shall be entitled to a challenge of five (5) jurors without showing cause for such challenge.

§ 70. Every person desirous of suffering a non-suit shall be barred therefrom, unless he do so before the jury retire from the bar, or if the case is tried before the court without a jury, before the case is submitted for final decision.

§ 71. If one or more of the counts in a declaration be faulty, the defendant may apply to the court to instruct the jury to disregard such faulty count or counts.

§ 72. The court, in charging the jury, shall only instruct as to the law of the case.

§ 73. Hereafter no judge shall instruct the petit jury in any case, civil or criminal, unless such instructions are reduced to writing.

§ 74. When instructions are asked which the judge can not give, he shall, on the margin thereof, write the word "refused," and such as he approves he shall write on the margin thereof the word "given," and he shall in no case after instructions are given, qualify, modify, or in any manner explain the same to the jury otherwise than in writing. Exceptions to the giving or refusing any instruction may be entered at any time before the entry of final judgment in the case.

§ 75. Such instructions so given shall be taken by the jury in their retirement, and returned by them, with their verdict into court.

§ 76. Papers read in evidence, other than depositions, may be carried from the bar by the jury.

§ 77. It shall be sufficient for the jury to pronounce their verdict, by their foreman, in open court, without reducing the same to writing, and the clerk shall enter the same in form, under the direction of the court; and if either party may wish to except to the verdict, or for other causes, to move for a new trial or in arrest of judgment, he shall, before final judgment be entered, or during the term it is entered, by himself or counsel, file the points in writing, particularly specifying the grounds of such motion, and final judgment shall thereupon be stayed

until such motion can be heard by the court. But no more than two new trials upon the same grounds shall be granted to the same party in the same cause, nor shall any verdict or judgment be set aside for irregularity only, unless cause be shown for the same, during the sitting of the court, at the term such judgment or verdict shall be given. In all cases where a new trial shall be granted on account of improper instructions having been given by the judge, or improper evidence admitted, or because the verdict of the jury is contrary to the weight of evidence, or for any other cause not the fault of the party applying for such new trial, said new trial shall be granted without costs, and as of right.

§ 78. Whenever an entire verdict shall be given on several counts, the same shall not be set aside or reversed on the ground of any defective count, if one or more of the counts in the declaration be sufficient to sustain the verdict.

§ 79. In all trials by jury in civil proceedings in this State, in courts of record, the jury may render, in their discretion, either a general or a special verdict; and in any case in which they render a general verdict, they may be required by the court, and must be so required on request of any party to the action, to find specially upon any material question or questions of fact which shall be stated to them in writing, which questions of fact shall be submitted by the party requesting the same to the adverse party before the commencement of the argument to the jury. Submitting, or refusing to submit a question of fact to the jury when requested by a party, as above provided, may be excepted to and be reviewed on appeal or writ of error, as a ruling on a question of law. When the special finding of fact is inconsistent with the general verdict, the former shall control the latter and the court may render judgment accordingly.

§ 80. When judgment shall be arrested for any defect in the record of proceedings after the first process, the plaintiff shall not be compelled to commence his action anew; but the court shall order new pleadings to commence with the error that caused the arrest.

§ 81. If during the progress of any trial in any civil or criminal cause, either party shall allege an exception to the opinion of the court, and reduce the same to writing, it shall be the duty of the judge to allow said exception and sign the same, and the said exception shall thereupon become a part of the record of such cause. A bill of exceptions or certificate of evidence allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried or by the presiding judge thereof, if more than one judge sat at the trial of the cause, without any seal of the court or judge annexed thereto. And in case the judge before whom the cause has heretofore been, or may hereafter be tried, is, by reason of death, sickness, or other disability, unable to hear and pass upon a motion for a new trial in a case at law, and allow and sign a bill of exceptions or certificate of evidence, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such case has been or is taken in stenographic notes, or if the said judge is satisfied by

any other means that he can pass upon such motion in a case at law, and allow a true bill of exceptions, or certificate of evidence, shall pass upon said motion, in a case at law, and allow and sign such bill of exceptions or certificate of evidence; and his ruling upon such motion in a case at law, and allowance and signing such bill of exceptions, or certificate of evidence, shall be as valid as if such ruling and allowance and signing had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, he can not fairly pass upon said motion in a case at law and allow and sign said bill of exceptions, or certificate of evidence, then he may, in his discretion, grant a new trial to the party moving therefor.

§ 82. Exceptions taken to decisions of the court, upon the trial of causes in which the parties agree that both matters of law and fact may be tried by the court, and in appeal cases, tried by the court without the intervention of a jury, shall be deemed and held to have been properly taken and allowed, and the party excepting may assign for error any decision so excepted to, whether such exception relates to receiving improper or rejecting proper testimony, or to the final judgment of the court upon the law and evidence.

§ 83. Exceptions taken to decisions of the court overruling motions in arrest of judgment, motions for new trials, motions to amend and for continuances of causes, shall be allowed, and the party excepting may assign for error any decision so excepted to.

§ 84. Exceptions taken to decisions of any court in this State overruling motions in arrest of judgment, for new trials, or for continuances or change of venue, shall be allowed in criminal cases and in penal and *qui tam* actions; and the party excepting to such decisions may assign the same for error, in the same manner as in civil cases.

§ 85. All affidavits read in court during the progress of any cause, and relating thereto, shall be filed and preserved by the clerk.

§ 86. Whenever in any suit or proceeding at law or in equity in any court of record, evidence shall be necessary concerning any fact which, according to law and the practice of the court may now be supplied by affidavit, the court may, in its discretion, require such evidence to be presented, wholly or in part, by oral examination of the witnesses in open court or, in equity cases, before a master in chancery, upon notice to all parties not in default, or their attorneys, and whenever such evidence is presented by oral examination, an adverse party shall have the right to cross-examination. Evidence so presented may be preserved by bill of exceptions or certificate of evidence. This section shall not apply to applications for change of venue.

§ 87. A party intending to move, out of term, to set aside or quash any execution, replevin bond or other proceeding, may apply to the judge at his chamber for a certificate (and which the said judge may, in his discretion, grant) certifying that there is probable cause for staying further proceedings until the order of the court on the motion, and a service of a copy of the certificate at the time of, or after the service of the notice of the motion, shall thenceforth stay

all further proceedings accordingly. But in no case shall the judge grant such certificate when the error complained of may, by the direction of the judge to the clerk issuing the process, be corrected, but the judge shall order the correction and the clerk shall make the correction in the process as if ordered in term time, nor unless the applicant shall have given notice of such motion to the opposite party, or his attorney of record, if they or either of them can be found in the county from which the writ issued.

§ 88. Any person for a debt *bona fide* due may confess judgment by himself or attorney duly authorized, either in term time or vacation, without process. Judgments entered in vacation shall have like force and effect, and from the date thereof, become liens in like manner and extent as judgments entered in term.

§ 89. The writ of error *coram nobis* is hereby abolished, and all errors in fact, committed in the proceedings of any court of record, and which, by the common law, could have been corrected by said writ, may be corrected by the court in which the error was committed, upon motion in writing, made at any time within five years after the rendition of final judgment in the case, upon reasonable notice. When the person entitled to make such motion shall be an infant, *non compos mentis* or under duress, at the time of passing judgment, the time of such disability shall be excluded from the computation of said five years.

§ 90. In case of death, removal, resignation or disability of a judge of any city court heretofore established, or hereafter established in this State, the clerk of said court may select and call in any judge of any circuit, superior, county or probate court of this State, and such judge so selected and called in shall have the authority, rights and duties of a duly elected judge of the said city court; and such judge so holding court shall be entitled to and receive the same compensation as is provided by law for the regular incumbent for the time he serves.

§ 91. Appeals shall lie to and writs of error from the appellate or supreme courts, as may be allowed by law, to review the final judgments, orders or decrees of any of the circuit courts, the superior court of Cook county, the county courts or the city courts and other courts from which appeals and to which writs of error may be allowed by law, in any suit or proceeding at law or in chancery. Appeals or writs of error in this section allowed shall be subject to the limitations by this Act provided and to the conditions imposed by law.

§ 92. Appeals shall be prayed for and allowed at the term at which the judgment, order or decree is rendered, and the party praying for such appeal shall, within such time, not less than twenty days, as shall be limited by the court, give and file in the office of the clerk of the court from which the appeal is prayed, bonds, in a reasonable amount, to secure the adverse party, to be fixed by the court, with sufficient security, to be approved by the court. If the appeal is from a judgment or decree for the recovery of money, the condition of the bond shall be for the prosecution of such appeal and the payment of the

judgment, interest, damages and costs in case the judgment is affirmed. In all other cases the condition shall be directed by the court with reference to the character of the judgment, order or decree appealed from. The obligee in such bond may at any time, on a breach of the conditions thereof, have and maintain an action at law as on other bonds.

§ 93. The clerk of the court may, by order of the court, made at the time of praying the appeal, and entered of record approve of the security offered upon such bond, and such approval may be made in term time or vacation.

§ 94. No appeal to the supreme or appellate court shall be dismissed by reason of any informality or insufficiency of the appeal bond, if the party taking such appeal shall, within a reasonable time, to be fixed by the court, file a good and sufficient bond in such cause, to be approved by the said court.

§ 95. Every court, clerk of the court and other officer authorized to take any bond, bail or surety, shall have power to examine on oath the person offering to become such bail or surety, concerning his property and sufficiency of such bail or surety. If a party who has had no opportunity to examine a surety on any bond, bail or other security given, or offered in any action or proceeding at law or in equity or in any criminal case, shall file objections to the sufficiency of any bond, bail or other security given or offered in any such action, proceeding or case, the court, clerk or other officer, whose duty it is to pass upon such bond or security, shall direct the surety to appear in open court, or before such clerk or officer, to be examined concerning his property and sufficiency of such bail or surety, at a designated place and time not more than five days after service of notice of such direction upon the party or his attorney, giving or offering to give such bond, bail or security. If such surety shall not appear at the time fixed in such order, or shall be found insufficient by the court, clerk or other officer, as the case may be, the bond, bail or security given or offered, shall be cancelled or rejected, but the party giving or offering such bond, bail or security, may file a new and sufficient bond, and if the time limited for the filing thereof has expired, shall have five days' additional time for that purpose. Notice of the direction to appear for such examination may be served by the party objecting, his agent or attorney. This section shall not be construed to permit an examination by an inferior court or clerk after the record on appeal has been filed in the reviewing court.

§ 96. No attorney practicing in this State shall be accepted as bail or surety on any undertaking, bond or recognizance in any criminal action or proceeding.

§ 97. In all cases where a judgment, order or decree, reviewable by the appellate or supreme court, shall be rendered in any circuit court, or in the superior court of Cook county, or in any city, county or probate court, in any case or proceeding whatever, against two or more persons, either one of said persons shall be permitted to remove such suit to the reviewing court by appeal or writ of error, as may be

by law allowed, and for that purpose shall be permitted to use the names of all of said persons, if necessary; but no cost shall be taxed against any person who shall not join in said appeal or writ of error. All such cases shall be determined in said reviewing courts, as other suits are, and in the same manner as if all the parties had joined in such appeal or writ of error.

§ 98. The State, counties, cities, villages, towns, school districts and all other municipal corporations, and the corporations of all charitable, educational, penal or reformatory institutions under the patronage and control of the State, and all public officers, when suing or defending in their official capacities for the benefit of the public, may in all cases of appeal or writ of error by them from any inferior court to any higher court prosecute the same without giving bond; and the supreme or appellate court, or the judges thereof in vacation, may grant writs of supersedeas on any writ of error or appeal when prosecuted by the State, or any of said corporations or public officers without requiring any bond to be given, as required by law as in other cases.

§ 99. All cases in the appellate or supreme court on appeal or writ of error shall be docketed as in the trial court, except that the party taking the appeal or suing out the writ of error shall be called the appellant or plaintiff in error, as the case may be, and the other party the appellee or defendant in error.

§ 100. Authenticated copies of records of judgments, orders and decrees appealed from, shall be filed in the office of the clerk of the supreme court or of the appellate court, as the case may be, on or before the second day of the succeeding term of said courts: *Provided*, twenty (20) days shall have intervened between the last day of the term at which the judgment, order or decree appeal from shall have been entered and the sitting of the court to which the appeal shall be taken; but if ten (10) days and not twenty (20) shall have intervened as aforesaid, then the record shall be filed as aforesaid, on or before the tenth (10th) day of said succeeding term, otherwise the said appeal shall be dismissed, unless further time to file the same shall have been granted by the court to which said appeal shall have been taken upon good cause shown. If copies of the records of judgments, orders and decrees appealed from shall not be filed within the time above allowed and appellees shall thereafter file in said appellate or supreme court, as the case may be, the certificate of the clerk of the court, by which such appeal was granted, stating therein the title of the cause, the date, character and amount of the judgment, order or decree appealed from against whom the same was rendered, the time when and the condition, if any, upon which the appeal was granted, the name of the party taking the appeal, and that the appeal was perfected as required by the order allowing the same, such certificate shall be *prima facie* evidence of the matters therein stated, and shall be a sufficient basis for a motion in the appellate or supreme court to affirm the judgment, order or decree appealed from, or to dismiss the appeal, and the court shall affirm the judgment or dismiss the appeal as for want of prosecution.

§ 101. When appeals from judgments, orders or decrees for the recovery of money are dismissed by the Supreme or Appellate Court for want of prosecution, or for failing to file authenticated copies of records, as required by law, or are affirmed for either of such causes, the court shall enter judgment against the appellants for not less than five (5) nor more than ten (10) per cent damages on the amount recovered in the trial court or inferior court. If the judgment, order or decree appealed from is not for the recovery of money, the Appellate or Supreme Court, as the case may be, shall, in case of dismissal or affirmance, for either of the causes in this section mentioned, enter judgment for not less than fifty (50) dollars, nor more than two hundred and fifty (250) dollars damages. The appellee shall be entitled to execution thereon as on other judgments.

§ 102. In the event any case is taken by appeal or writ of error to either the Supreme or Appellate Court and it is found or adjudged that the case was wrongfully appealed or taken to such court, it shall be the duty of such court, immediately on so finding or adjudging, to direct the clerk to transmit the transcript and all files therein with the order of transfer to the clerk of the proper court. On the receipt of such record by the clerk of the court to which the appeal should have been taken, he shall at once file the same in his office and the case shall then proceed as if the same had been taken there from the inferior court. An appeal or supersedeas bond executed in any case which may be transferred as aforesaid, shall be binding on the parties thereto with the same force and effect as if given in a case taken directly to the court to which the case was transferred.

§ 103. The parties in any suit or proceeding whatever, in any circuit, county or probate court, or the superior court of Cook county, or in any city court, may make an agreed case containing the points of law at issue between them, and file the same in such court; and the said agreed case, with the decision thereon, may be certified to the Appellate Court or Supreme Court by the clerk of such court, if the same is reviewable by the Appellate or Supreme Court, without certifying any fuller record in the case; and, upon such agreed case being so certified and filed in the Appellate Court or Supreme Court, the appellant or plaintiff in error may assign errors, and the case shall then be proceeded in the same manner as it might have been had a full record been certified to said Appellate Court or Supreme Court.

§ 104. Any judge of the circuit, county, or probate court, or the superior court of Cook county, or of any city court, may, if the parties litigant assent thereto, certify any question or questions of law arising in any case or proceeding whatever tried and finally determined before him to the Appellate or Supreme Court, if the case is reviewable by the Appellate or Supreme Court, together with his decision thereon; or the parties in the case or proceeding may agree as to the question or points of law arising therein, and the same may be certified by the counsel or attorneys of the respective parties, who shall sign their names thereto, and, upon such certificate being made the same shall be filed in the court, rendering the decision, and a copy

of such certificate, certified by the clerk of said court, with the decision thereon and final decision in the case or proceeding, to the Appellate Court or Supreme Court, if reviewable by such court, and filed therein; and, upon filing the same, the like proceedings may be had in the Appellate Court or Supreme Court, as if a full and complete record had been transcribed and certified to said court.

§ 105. The two preceding sections shall not apply to cases in which the title to real estate is in question, nor to cases where any question of fact appertaining to the constitutional enactment of a law of this State is involved.

§ 106. No writ of error shall operate as a supersedeas unless the Supreme Court or Appellate Court, as the case may be, or some judge thereof in vacation, after inspecting a copy of the record, shall order the same to be made a supersedeas, nor until the party procuring such writ shall file a bond in the manner and with the conditions required in case of appeal, when the clerk issuing such writ shall endorse thereon that it shall be a supersedeas, and operate accordingly; and the parties in writs of error shall be subject to the same judgment and mode of execution as is provided in case of appeal.

§ 107. In all cases of appeal to the Supreme Court or Appellate Court, or writ of error, the appellee or defendant in error may assign cross-errors; and the court shall dispose of the same as in other cases of assignment of error.

§ 108. No judgment, order or decree shall be reversed by the Supreme Court or Appellate Court upon appeal or writ of error for want of a joinder in error; but upon error being assigned, if the opposite party does not plead in proper time, the case shall be treated as if error had been joined.

§ 109. A plea of release of errors, though adjudged bad or not sustained, shall not deprive the defendant of the right to join in error.

§ 110. In all cases of appeal and writ of error, the Supreme Court or Appellate Court may give final judgment and issue execution, or remand the cause to the inferior court, in order that an execution may be there issued or that other proceedings may be had thereon. Any judgment rendered in the Supreme Court or Appellate Court shall become a lien on real estate after execution shall be issued and levied and a certificate thereof filed in the office of the recorder of deeds of the county where the real estate levied on is situated.

§ 111. The Supreme Court or Appellate Court, in case of a partial reversal, shall give such judgment or decree as the inferior court ought to have given, and for this purpose may allow the entering of a remittitur, either in term time or in vacation, or remand the cause to the inferior court for further proceedings, as the case may require.

§ 112. When an appeal or writ of error shall be prosecuted from a judgment, order or decree to the Supreme Court or Appellate Court, and such appeal or writ of error is dismissed, or the judgment, order

or decree is affirmed, upon a copy of the order of the Supreme Court or Appellate Court, as the case may be, being filed in the office of the clerk of the court from which the case was originally removed, execution may issue and other proceedings may be had thereon in all respects, as if no appeal or writ of error had been prosecuted.

§ 113. When any cause or proceeding whatever is remanded by the Supreme Court or Appellate Court, as the case may be, for a new trial or hearing by the court in which such cause or proceeding was originally tried, the Supreme Court or Appellate Court, as the case may be, shall issue its mandate reversing and remanding such cause or proceeding directly to such trial court; and upon a transcript of the order of the Supreme Court or Appellate Court, as the case may be, remanding the same, being filed in the court, in which such cause or proceeding was originally tried, and not less than ten days' notice thereof being given to the adverse party or his attorney, the cause or proceeding shall be reinstated therein. In case of a non-resident party or of non-resident parties who can not be found, so that personal notice can not be served upon them, the notice may be given as in cases in chancery, or as may be directed by the court. In case of reversal and remandment by the Supreme Court of any cause or proceeding removed thereto from the Appellate Court, upon the filing in such Appellate Court of a certificate of such reversal and remandment, the clerk of the Appellate Court shall have the right to issue a fee bill for all such costs as accrued in said Appellate Court and did not abide the final action in the Supreme Court.

§ 114. If neither party shall file such transcript within two years from the time of making the final order of the Supreme Court or Appellate Court, as the case may be, reversing any judgment or proceeding the cause shall be considered as abandoned, and no further action shall be had therein.

§ 115. When any cause is remanded by the Supreme Court or Appellate Court, any person shall be entitled to have a transcript of such order duly certified by the clerk of such court upon paying to such clerk the costs in such cause made by such party in said Supreme or Appellate Court and the fees for making such transcript.

§ 116. When in any case or proceeding whatever the original bill of exceptions, certificate of evidence, or any original paper is incorporated in the transcript of the record of the trial court, or in any other manner removed to the Appellate or Supreme Court, such bill of exceptions, certificate of evidence, or other paper, shall when the cause or proceeding is finally decided in the Appellate or Supreme Court, upon the application of either party, be returned to the trial court.

§ 117. A writ of error shall not be brought after the expiration of three years from the rendition of the decree or judgment complained of; but when a person, thinking himself aggrieved by any decree or judgment that may be reversed in the Supreme Court or the Appellate Court, shall be an infant, *non compos mentis* or under duress

when the same was entered, the time of such disability shall be excluded from the computation of the said three years.

§ 118. Appeals from and writs of error to circuit courts, the superior court of Cook county, the criminal court of Cook county, county courts and city courts, in all criminal cases below the grade of felony shall be taken directly to the Appellate Court, and in all criminal cases above the grade of misdemeanors and cases in which a franchise or freehold or the validity of a statute or a construction of the constitution is involved; and in cases in which the validity of a municipal ordinance is involved and in which the trial judge shall certify that in his opinion the public interest so requires, and in all cases relating to revenue, or in which the State is interested, as a party or otherwise, shall be taken directly to the Supreme Court. In all cases of writs of error and appeals prosecuted or taken from any decision of any of the Appellate Courts to the Supreme Court, it shall not be necessary for the clerk of the Appellate Court in which said cause was heard and determined to make out and certify a copy of the original transcript of the record filed in the said Appellate Court, but it shall be sufficient for, and it is hereby made the duty of the clerk of the said Appellate Court to transmit the original transcript of the record filed in his office, with his official certificate and seal of office authenticating the same, with a true and perfect copy of all the orders and proceedings appearing of record in said cause, which copy of the record and proceedings, duly authenticated with the seal of said court, shall be transmitted to and filed in the Supreme Court; and the clerk of the Appellate Court shall be entitled to receive from the party procuring said record and transcript the fees allowed by law for his certificate and copy of proceedings had in the Appellate Court, and he shall not be entitled to charge or receive any fee for copying or transmitting said original transcript, other than for his certificate and the reasonable cost of sending said transcript and record from his office, either by mail or express, to the clerk of the Supreme Court.

§ 119. In all criminal cases and in all other cases wherein the judgment of the Appellate Court is not made final by this Act, which shall be heard in any of the Appellate Courts upon errors assigned, and in all cases where the judgment, order or decree of the Appellate Court would otherwise be final under this Act, and in which the court shall certify that in its opinion the decision of the Appellate Court conflicts with a prior decision in another case in any other Appellate Court, or in which the justices of the Appellate Court are divided in opinion upon the law or facts, if the judgment of the Appellate Court be that the order, judgment or decree of the court below be affirmed, or if final judgment, order or decree be rendered therein in the Appellate Court, or if the judgment, or decree, of the Appellate Court be such that no other proceedings can be had in the court below except to carry into effect the mandate of the Appellate Court, any party to such cause shall be permitted to remove the same to the Supreme Court by appeal or writ or error in the manner in this Act provided. And if a majority of the justices of the Appellate Court

shall be of opinion that a case decided by them, in which an appeal or writ of error from the Appellate Court to the Supreme Court to review the judgment, order or decree of the Appellate Court is not allowed by this Act, involves questions of law of such importance, either on account of principal or collateral interests, as that it should be passed upon by the Supreme Court, they may in such case grant an appeal to the Supreme Court on petition for that purpose presented to the court in term or to two of the justices in vacation, within twenty days after the entry of the judgment, order or decree of the Appellate Court, in which case the said Appellate Court or two of the justices thereof, as the case may be, shall certify to the Supreme Court the ground of granting such appeal. In the cases aforesaid where the justices of the Appellate Court are divided in opinion upon the law or facts, it shall be the duty of the Appellate Court, in its judgment, order or decree, to recite the fact of such division of opinion. And appeals shall also be allowed from the judgment of the Appellate Court to the Supreme Court, in all cases where such judgment of the Appellate Court is that the judgment of the trial court be reversed and the case remanded for a new trial, if the party so appealing will stipulate in writing, at the time of praying the appeal, that final judgment in the case may be entered in the Supreme Court against him if such appeal is not prosecuted with effect.

§ 120. If any final determination of any cause or proceeding whatever except in chancery shall be made by the Appellate Court, as the result wholly or in part of the finding of the facts, concerning the matter in controversy, different from the finding of the court from which such cause or proceeding was brought by appeal or writ of error, it shall be the duty of such Appellate Court to recite in its final order, judgment or decree, the facts as found; and the judgment of the Appellate Court shall be final and conclusive as to all matters of fact in controversy in such cause or proceeding: *Provided*, in actions at law where the Appellate Court reverses the judgment of the trial court without awarding a trial *de novo*, as the result wholly or in part of finding the facts different from the finding of the trial court and in cases where the justices of the Appellate Court are divided in opinion on the law or facts, and the cause is taken by appeal or writ of error to the Supreme Court, then the provision that the judgment of the Appellate Court shall be final as to the facts, shall not apply. and both the facts and the law shall stand for review in the Supreme Court as in the Appellate Court.

§ 121. In all criminal cases and in all cases where a franchise or a freehold, or the validity of a statute is involved, and in all other cases where the sum or value in the controversy shall exceed one thousand dollars (\$1,000) exclusive of costs, which shall be heard in any of the Appellate Courts upon errors assigned, if the judgment of the Appellate Court be that the order, judgment or decree of the court below be affirmed, or if final judgment or decree be rendered therein in the Appellate Court, or if the judgment, order or decree of the Appellate Court be such that no further proceedings can be had in the court

below, except to carry into effect the mandate of the Appellate Court, any party to such cause shall be permitted to remove the same to the Supreme Court by appeal or writ of error, in the same manner as provided for appeals to said Appellate Court: *Provided*, that such appeal may be prayed for at any time (within twenty days after the rendition of such judgment, order or decree,) whether such Appellate Court be in session or not, and if such appeal shall be prayed for in vacation, any one or more of the said judges of such Appellate Court may make and sign all orders necessary for the perfecting of such appeal, and the clerk shall enter up such orders as part of the record in the case. *And, provided, further*, that in all cases where the judgment, order or decree is for the recovery of money, only, if the judgment, order or decree of the inferior or Appellate Court be affirmed by the Supreme Court, or the appeal or writ of error be dismissed, the Supreme Court may enter judgment against the appellant or plaintiff in error for damages, not exceeding ten (10) per centum on the amount of the judgment recovered, and shall award execution therefor as on other judgments.

§ 122. The Supreme Court shall re-examine cases brought to it by appeal or writ of error from the Appellate Courts, as to questions of law only, except as otherwise provided in this Act; and, in the cases aforesaid, no assignment of error shall be allowed calling in question the determination of the inferior or Appellate Courts upon controverted questions of fact therein.

§ 123. Whenever an interlocutory order or decree is entered in any suit pending in any court in this State, granting an injunction, or overruling a motion to dissolve the same, or enlarging the scope of an injunction order, or appointing a receiver, or giving other or further powers or property to a receiver already appointed, an appeal may be taken from such interlocutory order or decree to the Appellate Court of the district wherein is situated the court granting such interlocutory order or decree: *Provided*, that such appeal is taken within thirty days from the entry of such interlocutory order or decree, and is perfected in said Appellate Court within sixty days from the entry of such order or decree. The force and effect of such interlocutory order or decree and the proceedings in the court below shall not be stayed during the pendency of such appeal, and the party taking such appeal shall give bond, to be approved by the clerk of the court below, to secure costs in the Appellate Court. Upon filing of the record in the Appellate Court the same shall there be at once docketed, and shall be ready for hearing under the rules of said court, taking precedence of other causes in said court. Upon such appeal the Appellate Court may affirm, modify or reverse such interlocutory order or decree, and shall direct such proceedings to be had in the court below as the justice of the case may require. If such appeal is dismissed, the Appellate Court may allow to the attorney for appellee a reasonable solicitor's fee, not to exceed one hundred dollars, to be taxed as part of the costs of the appeal. No appeal shall lie or writ of error be prosecuted from the order entered by said Appellate Court on any such appeal.

§ 124. It shall be the duty of the Supreme Court to direct by general rule what portions of, and the manner in which, the records of the Appellate Court shall be made up and certified in cases removed from such Appellate Courts to the Supreme Court by appeal or writ of error.

§ 125. When any plaintiff in error shall file in the office of the clerk of the Supreme Court or Appellate Court, as the case may be, an affidavit showing that any defendant resides, or has gone out of this State, or on due inquiry, cannot be found, or is concealed within the State, so that process cannot be served upon him, and stating the place of residence of such defendant, if known, and also the place of residence of the attorney who appeared in the case in the court to which the writ of error is directed; or that, upon diligent inquiry, their places of residence cannot be ascertained, the clerk of the Supreme Court or Appellate Court, as the case may be, wherein the cause shall be pending, shall cause publication to be made in some newspaper published in the county in which the cause was originally instituted; but if no newspaper shall be published in such county, then such notice shall be published in a newspaper published nearest to said county, containing notice of the pendency of such suit, the names of the parties thereto, the title of the court and the time and place of the return of summons in the case; and he shall also, within ten (10) days of the first publication of such notice, send a copy thereof by mail, addressed to such defendant and the attorney whose places of residence are stated in such affidavit. The certificate of the clerk that he has sent such notice in pursuance of this section shall be evidence. Such notice shall be published for four (4) consecutive weeks, the first insertion of which said notice shall be at least forty days before the first day of the term of court to which said writ is made returnable; and unless said time has intervened, no proceedings therein shall be had at said term, but the said cause shall stand continued to the next term of the court: *Provided*, that in case both parties appear and consent to the hearing, the said cause shall then be heard.

§ 126. Any member of the General Assembly shall be exempt from the service of any civil process during the session of the General Assembly.

§ 127. The following Acts and parts of Acts are hereby repealed: An Act entitled "An Act in regard to practice in courts of record," approved February 22, 1872, in force July 1, 1872, and all Acts amendatory thereof, and of any section or sections thereof.

An Act entitled "An Act to amend section eighty-six (86) of an Act entitled 'An Act in regard to practice in courts of record,'" approved February 22, 1872," approved April 24, 1873, in force July 1, 1873.

An Act entitled "An Act to amend section fifty-one (51) of an Act entitled 'An Act in regard to practice in courts of record,'" approved February 22, 1872," approved January 27, 1874, in force July 1, 1874.

An Act entitled "An Act to amend an Act entitled 'An Act in regard to practice in courts of record,'" approved February 22, 1872," approved February 12, 1874, in force July 1, 1874.

An Act entitled "An Act to amend section forty (40) of an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, 1872," approved March 27, 1874, in force July 1, 1874.

An Act entitled "An Act to amend section twenty-five (25) of an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, 1872," approved April 15, 1875, in force July 1, 1875.

An Act entitled "An Act to amend section sixteen (16) of an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, 1872," approved May 22, 1877, in force July 1, 1877.

An Act entitled "An Act to amend section twenty-six (26) of an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, 1872," approved May 22, 1877, in force July 1, 1877.

An Act entitled "An Act to amend sections two (2) and four (4) of an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, 1872," approved May 29, 1877, in force July 1, 1877.

An Act entitled "An Act to amend an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, 1872," approved June 2, 1877, in force July 1, 1877.

An Act entitled "An Act to amend section 72 of an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, as amended by an Act entitled 'An Act to amend an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, 1872, approved June 2, 1877," approved May 24, 1879, in force July 1, 1879.

An Act entitled "An Act to amend sections seventy-one (71) and eighty-eight (88) of an Act entitled, 'An Act to amend an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, 1872,' approved June 2, 1877, in force July 1, 1877," approved June 3, 1879, in force July 1, 1879.

An Act entitled "An Act in relation to remanding causes on appeal or writ of error," approved May 19, 1881, in force July 1, 1881.

An Act entitled "An Act to amend section eighty-three (83) of an Act entitled 'An Act in regard to practice in courts of record,' approved February 22, 1872," approved June 27, 1885, in force July 1, 1885.

An Act entitled "An Act in regard to serving of processes on receivers of corporations," approved June 3, 1887, in force July 1, 1887, and the Act approved and in force May 3, 1889, amendatory thereof.

An Act entitled "An Act to provide for appeals from interlocutory orders granting injunctions or appointing receivers," approved June 14, 1887, in force July 1, 1887.

An Act entitled "An Act to enable parties to avoid delay in the administration of justice," approved June 17, 1887, in force July 1, 1887.

An Act entitled "An Act in relation to verdicts of juries in civil cases," in force July 1, 1887.

An Act entitled "An Act to expedite the trial of certain suits at law in courts of record," approved June 1, 1889, in force July 1, 1889.

An Act entitled "An Act in regard to the serving of processes on trustees operating, managing or controlling railroads," approved and in force March 2, 1893.

An Act entitled "An Act concerning the jurisdiction of circuit courts in cases instituted against life and fire insurance companies," approved April 3, 1873, in force July 1, 1873, and the Act amendatory thereof, approved June 21, 1895, in force July 1, 1895.

APPROVED June 3, 1907.

PUBLIC ACCOUNTANTS.

CERTIFIED PUBLIC ACCOUNTANTS—QUALIFICATIONS.

§ 1. Amends section 1, Act of 1903.

§ 1. Who may become certified public accountant—educational requirements—use of title.

(SENATE BILL NO. 191. APPROVED MAY 25, 1907.)

AN ACT to amend an Act entitled, "An Act to regulate the profession of public accountants," approved May 15, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an Act entitled, "An Act to regulate the profession of public accountants," approved May 15, 1903, in force July 1, 1903, be amended to read as follows:

§ 1. That any citizen of the United States, or person who has duly declared his intention of becoming such citizen, residing in or having a place for the regular transaction of business as a professional accountant in the State of Illinois, being over the age of twenty-one years, of good moral character, being a graduate of a high school with a four years' course, or having an equivalent education, and who shall have received from the University of Illinois a certificate of his qualifications to practice as a public expert accountant as hereinafter provided, shall be styled and known as a "certified public accountant" and no other person shall assume such title or use the abbreviation "C. P. A." or any other words or letters to indicate that the person using the same is a certified public accountant.

Provided, that the annual examinations in the months of May 1908, and May 1909, as fixed by the rules of the university shall be opened to all applicants without regard to preliminary educational requirements.

APPROVED May 25, 1907.

RAILROADS AND WAREHOUSES.

CONSOLIDATIONS AND MERGERS—RATIFICATION.

- | | |
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| § 1. Certain agreements ratified, approved and confirmed. | § 3. Consolidated company — corporate existence—renewals. |
| § 2. Certain agreements ratified, approved and confirmed. | § 4. Copy of resolution filed with Secretary of State. |

(HOUSE BILL NO. 777. APPROVED MAY 27, 1907.)

AN ACT to ratify consolidations and mergers between two or more railroad companies organized under the laws of this State and to confirm in the company or companies formed by such consolidation or merger, as the case may be, during the term of their, or its corporate existence, and of any extension thereof, all the corporate rights, property, franchises, privileges and immunities, consolidated or merged or belonging or pertaining to the constituent companies, and to define the term of the corporate existence of such merged or consolidated companies and to authorize them to renew their corporate existence.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every agreement, whether in form of deed or sale, articles of consolidation, merger or otherwise, made and entered into between the first day of January, the year Anno Domini one thousand eight hundred and eighty-two and the first day of January, the year Anno Domini one thousand eight hundred and eighty-three, by and between two or more railroad companies organized under the laws of this State, providing or purporting to provide for the consolidation or merger, of the capital stocks, corporate and other franchises, privileges and property of the respective companies parties thereto, and under which the consolidated company thereby created or attempted to be created, or its successor or lessee, now owns, controls or operates, or is in possession of the several railway lines of the respective companies parties to such agreement, be, and the same is hereby ratified, approved and confirmed; and all the corporate rights, franchises, privileges and immunities of the several and respective companies parties to every such agreement, are hereby granted, vested and confirmed in the consolidated company thereby created or attempted to be created for and during the term of its corporate existence and of any renewal thereof.

§ 2. That every agreement between two or more railroad companies organized under the laws of this State made between the first day of January, in the year Anno Domini one thousand eight hundred and eighty-two and the first day of January, [in] the year Anno Domini one thousand eight hundred and eighty-three, providing or attempting to provide for the consolidation or merger, by purchase or otherwise, of the capital stock, corporate and other franchises, privileges and property of the respective companies parties thereto, under which agreement possession has been had of the railroads sought to be conveyed thereby, and every indebtedness heretofore created, and

every act and contract, otherwise lawful, heretofore done or entered into in the name of such consolidated company, by any persons or corporations acting as or on behalf of such consolidated company, are hereby ratified, approved and confirmed.

§ 3. That the consolidated company or the company to and with which any two or more railroad companies organized under the laws of this State may have been merged or consolidated, as mentioned in the foregoing sections, shall be held and deemed to have a corporate existence for the term of fifty years from and after the date of such consolidation or merger; and the consolidated company, or the company with which the merger was affected and made, shall be and is hereby authorized to renew its corporate existence from time to time in such manner as shall be provided for by law for periods not longer than fifty years and the said consolidated company or the company with which the merger was effected and made shall be subject to the general laws of this State, now in force, or which may hereafter be passed regulating railroad corporations.

§ 4. Any such consolidated corporation, desiring to avail itself of the provisions of this Act, shall file with the Secretary of State, a certified copy of a resolution of its stockholders accepting and agreeing to be bound by such provision.

APPROVED May 27, 1907.

RAILROAD CROSSINGS—INTERLOCKING DEVICES.

§ 1. Amends section 3, Act of 1891.

§ 3. Hearing on petition—distribution of cost, etc.

(SENATE BILL NO. 288. APPROVED MAY 25, 1907.)

AN ACT to amend section 3 of an Act entitled, "An Act to protect persons and property from danger at the crossings and junctions of railroads by providing a method to compel the protection of the same," approved June 2, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 3 of an Act entitled, "An Act to protect persons and property from danger at the crossings and junctions of railroads by providing a method to compel the protection of the same," approved June 2, 1891, in force July 1, 1891, be and the same is hereby amended so as to read as follows:

§ 3. At the time and place named for hearing under any petition filed in pursuance of section one of this Act, or in any citation issued in pursuance of section two thereof, unless the hearing is for good cause continued, said railroad and warehouse commission shall proceed to try the question whether or not the crossing shall be protected by interlocking or otherwise, and shall give to all companies and parties interested an opportunity to be fully heard and said commission shall after such hearing, enter an order upon the record book or docket to be kept for the purpose, denying the petition or discharging the citation if the protection of such crossing as proposed is deemed

unnecessary or if said commission shall be of opinion, from the evidence and facts produced, that the public good requires that such crossing be protected, then the commission shall enter an order prescribing an interlocking device or equipment for such crossing, in case the companies interested can not agree upon a device, in which order shall be specified the kind of machine to be used, the switches, signals and other devices or appliances to be put in, and the location thereof, and all other matters which may be deemed proper for the efficient protection of such crossing and said commission shall further designate in such order, the proportion of the cost of the construction of such plant, and of the expense of maintaining and operating the same, which each of the companies or persons concerned shall pay.

APPROVED May 25, 1907.

RAILROAD CROSSINGS—PERMISSION TO MAKE.

§ 1. Amends sections 1 and 2, Act of 1889.

§ 1. Crossing of one railroad by another—investigation—permission.

§ 2. Costs and expenses—interlocking or other safety appliance—separation of grades—interurban and street railroads included.

(SENATE BILL NO. 290. APPROVED MAY 25, 1907.)

AN ACT to amend sections one (1) and two (2) of an Act entitled, "An Act in relation to the crossing of one railway by another and to prevent danger to life and property from grade crossings," approved May 27, 1889, in force July 1, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1) and two (2) of an Act entitled, "An Act in relation to the crossing of one railway by another, and to prevent danger to life and property from grade crossings," approved May 27, 1889, in force July 1, 1889, be and the same is hereby amended to read as follows:

§ 1. That hereafter any railroad company desiring to cross with its track or tracks the main track of another railroad company, shall, before constructing any such crossing, apply to the railroad and warehouse commission for permission to make such crossing, and it shall thereupon be the duty of such commission to view the ground, and give all parties interested an opportunity to be heard. After full investigation, and with due regard to safety of life and property, said commission shall give a decision prescribing the place where and the manner in which said crossing shall be made, but in all cases the compensation to be paid, for property actually required for the crossing and all damages resulting therefrom, shall be determined in the manner provided by law in case the parties fail to agree: *Provided*, that said commission shall only grant permission to construct such crossing at such place and in such manner as will not unnecessarily impede or endanger the travel or transportation upon the railroad to be crossed.

§ 2. The railroad company seeking the crossing shall, in all cases pay the costs and expenses of the commission incurred in the investigation and if permission for a grade crossing is given, shall bear the entire expense of the construction thereof, together with the cost of installing such interlocking or other safety appliance as shall be required and the cost of the maintenance thereof. If a separation of grades is required at such crossing, then such commission shall decide and include in the order authorizing such crossing the proportion of the expense thereof to be paid by the railroads interested in said crossing, respectively, but not more than one-third of such expense shall be charged against the senior road. Interurban electric railroad and street railroads are hereby declared to be railroads and within the meaning of this Act.

APPROVED May 25, 1907.

RATES FOR TRANSPORTATION OF PASSENGERS.

§ 1. Passenger rates fixed.

§ 3. Invalidity.

§ 2. Penalty.

§ 4. Repeal.

(HOUSE BILL NO. 406. APPROVED MAY 27, 1907.)

AN ACT to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads in part or in whole in this State, and to provide penalties for the violation of the provisions thereof, and repealing all Acts and parts of Acts in conflict herewith.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall hereafter be unlawful for any corporation or company engaged in the carriage of passengers upon any railroad or railroads between points in this State, to charge in excess of two cents (2c) per mile for the carriage of adult passengers where any passenger has purchased a ticket entitling him to carriage, or in excess of one cent (1c) per mile for the carriage of a passenger under twelve (12) years of age where such passenger has purchased a ticket entitling him to carriage: *Provided*, that the charge in no case shall be less than five cents (5c), and in determining the charge, fractions of less than one-half ($\frac{1}{2}$) mile shall be disregarded and all other fractions counted as one (1) mile. If any passenger shall have failed to purchase a ticket entitling him to carriage, a rate of three (3) cents per mile may be charged and collected.

§ 2. For any violation of the provisions of this Act by any such corporation or company, its agents or employé, such corporation or company shall forfeit and pay to the State of Illinois a penalty of not less than twenty-five (25), nor more than one hundred (100) dollars for every such violation, to be recovered by suit brought in the name of the State of Illinois by the Attorney General of the State in any court of competent [competent] jurisdiction in any county into or through which said corporation or company runs or passes, or by the

State's Attorney of any county through which said corporation or company runs or passes. Where such penalty is recovered in a suit brought by a State's Attorney as provided by this Act, there shall be recovered in addition thereto the sum of ten (10) dollars as compensation for said prosecuting attorney.

§ 3. The invalidity of any section of this Act shall not invalidate any other section thereof.

§ 4. All laws in conflict herewith are hereby repealed.

APPROVED May 27, 1907.

WAREHOUSE RECEIPTS—ACT IN REGARD TO.

| ARTICLE 1. | ARTICLE 4. |
|---|--------------------|
| The issue of warehouse receipts. | Criminal offenses. |
| ARTICLE 2. | ARTICLE 5. |
| Obligations and rights of warehousemen upon their receipts. | Interpretation. |
| ARTICLE 3. | |
| Negotiations and transfer of receipts. | |

(HOUSE BILL NO. 642. APPROVED MAY 29, 1907.)

AN ACT in regard to warehouse receipts.

ARTICLE I.—THE ISSUE OF WAREHOUSE RECEIPTS.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Warehouse receipts may be issued by any warehouseman.

§ 2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:

- (a) The location of the warehouse where the goods are stored.
- (b) The date of the issue of the receipt.
- (c) The consecutive number of the receipt.
- (d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.
- (e) The rate of storage charges.
- (f) A description of the goods or of the packages containing them.
- (g) The signature of the warehouseman, which may be made by his authorized agent.
- (h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and
- (i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the ware-

houseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of the terms herein required.

§ 3. A warehouseman may insert in a receipt, issued by him, any other terms and conditions: *Provided*, that such terms and conditions shall not

(a) Be contrary to the provisions of this Act.

(b) In anywise impair his obligation to exercise that degree of care in the safe keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

§ 4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

§ 5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt.

No provisions shall be inserted in a negotiable receipt that it is non-negotiable. Such provisions, if inserted, shall be void.

§ 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the first one issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be the original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

§ 7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda, or written acknowledgements of an informal character.

ARTICLE II.—OBLIGATIONS AND RIGHTS OF WAREHOUSEMEN UPON THEIR RECEIPTS.

§ 8. A warehouseman, in the absense of some lawful excuse provided by this Act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with—

(a) An offer to satisfy the warehouseman's lien.

(b) An offer to surrender the receipt properly endorsed.

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgement that they have been delivered, if such

signature is requested by the warehouseman. In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

§ 9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is—

(a) The person lawfully entitled to the possession of the goods, or his agent.

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either endorsed upon the receipt or written upon another paper, or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

§ 10. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either.

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

§ 11. Except as provided in section 36, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

§ 12. Except as provided in section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

§ 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was

(a) Immaterial.

(b) Authorized, or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

§ 14. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court, as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

§ 15. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

§ 16. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

§ 17. If more than one person claim the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, which ever is appropriate, require all known claimants to interplead.

§ 18. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claim-

ant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

§ 19. Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

§ 20. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

§ 21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

§ 22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and re-delivery of the goods deposited.

§ 23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

§ 24. The warehouseman shall be severally liable to each depositor for the care and re-delivery of his share of such mass to the same extent and under the same circumstances as if the goods had be [been] kept separate.

§ 25. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be

first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

§ 26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

§ 27. Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

§ 28. Subject to the provisions of section 30, a warehouseman's lien may be enforced—

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted; and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person has been so intrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

§ 29. A warehouseman loses his lien upon the goods—

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this Act.

§ 30. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 27, although the amount of the charges so enumerated is not stated in the receipt.

§ 31. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

§ 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

§ 33. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice, if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail; and

(d) A statement that unless the claim is paid within the time specified, the goods will be advertised for sale and sold by auction at a specified time and place. In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the warehouse where the lien was acquired, or, at the election of said warehouseman, at any public auction room or place in the county where such warehouseman is located. After the time for the payment of the claims specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of such proceeds shall be held by the warehouseman and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods. At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this Act, to the possession of the goods on payment of charges thereon. Otherwise

the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

§ 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability or explosive nature will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman, after a reasonable effort, is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

§ 35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

§ 36. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt, given for the goods when they were deposited, even if such receipt be negotiable.

ARTICLE III.—NEGOTIATIONS AND TRANSFER OF RECEIPTS.

§ 37. A negotiable receipt may be negotiated by delivery—

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer; or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or subsequent indorsee of the receipt has endorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer, or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

§ 38. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

§ 39. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

§ 40. A negotiable receipt may be negotiated—

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

§ 41. A person to whom a negotiable receipt has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value; and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

§ 42. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor. If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman in writing of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt. Prior to the written notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by notification in writing to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

§ 43. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires the right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

§ 44. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a

claim secured by a receipt, unless a contrary intention appears, warrants—

- (a) That the receipt is genuine.
- (b) That he has a legal right to negotiate or transfer it.
- (c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and
- (d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

§ 45. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

§ 46. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

§ 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

§ 48. Where a person having sold, mortgaged or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

§ 49. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage *in transitu* shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage *in transitu*. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

ARTICLE IV.—CRIMINAL OFFENSES.

§ 50. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a receipt, knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

§ 51. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods, knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 52. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the words "Duplicate," except in the case of a lost or destroyed receipt, after proceedings as provided for in section 14, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

§ 53. Where there are deposited with or held by a warehouseman goods of which he is the owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 54. A warehouseman, or any officer, agent or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods, is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections 14 and 36, be found guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 55. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value, with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon

conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

ARTICLE V.—INTERPRETATION.

§ 56. In any case not provided for in this Act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy or other invalidating cause, shall govern.

§ 57. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

§ 58. (1) In this Act, unless the context or subject matter otherwise requires —

“Action” includes counter claim, set-off and suit in equity.

“Delivery” means voluntary transfer of possession from one person to another.

“Fungible goods” means goods of which any unit is, from its nature, or by mercantile custom, treated as the equivalent of any other unit.

“Goods” means chattels or merchandise in storage, or which has been or is about to be stored.

“Holder” of a receipt means a person who has both actual possession of such receipt and a right of property therein.

“Order” means an order by indorsement on the receipt.

“Owner” does not include mortgagee or pledgee.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

“To purchase” includes to take as mortgagee or as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Receipt” means a warehouse receipt.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

“Warehouseman” means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done “in good faith” within the meaning of this Act, when it is in fact done honestly, whether it be done negligently or not.

§ 59. The provisions of this Act do not apply to receipts made and delivered prior to the taking effect of this Act.

§ 60. All Acts or parts of Acts inconsistent with this Act are hereby repealed: *Provided, however*, that nothing in this Act shall be construed to repeal any of the provisions of an Act entitled, “An Act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article thirteen of the constitution of this State” (approved April 25, 1871, in force July 1, 1871), except

in so far as said last named Act relates to warehouse receipts for property stored in public warehouses of class C, or to repeal the provisions of an Act entitled, "An Act providing for the issuing and the cancellation of receipts for public warehouses or warehouses of class A or class B in the State of Illinois, and providing penalties for violation thereof," approved May 11, 1901, in force July 1, 1901.

APPROVED May 29, 1907.

WAREHOUSE RECEIPTS—ACT 1901 AMENDED.

§ 1. Amends section 1, Act of 1901.

§ 1. When receipts to issue—
contents—report to reg-
istrar — cancellation —
penalty.

(HOUSE BILL NO. 746. APPROVED JUNE 4, 1907.)

AN ACT to amend section one (1) of "An Act providing for the issuing and cancellation of receipts for public warehouses or warehouses of class A or class B, in the State of Illinois, and providing penalties for violation thereof," approved May 11, 1901, in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of "An Act providing for the issuing and the cancellation of receipts for public warehouses or warehouses of class A or class B, in the State of Illinois, and providing penalties for violation thereof," be and the same is hereby amended to read as follows:

§ 1. That upon the receipt of any grain for storage in any public warehouse of class A or class B (in cities or counties where a chief grain inspector or deputy inspector has or shall be lawfully appointed), the said warehouseman shall issue or cause to be issued a receipt for the number of bushels, the kind, the grade of such grain, the owner thereof, and shall report within twenty-four (24) hours to the warehouse registrar the amount of grain, the owner thereof, the number of the receipt issued therefor, the kind and grade of said grain; and that no grain shall be delivered from store from any such public warehouse of class A or class B (in cities or counties where a chief grain inspector or deputy inspector has or shall be lawfully appointed), for which, or representing which, any such receipt shall have been issued, except upon the return of said receipt stamped, or otherwise plainly marked by the warehouse registrar with the words, "registered for cancellation," and date thereof. And it shall be the duty of the warehouseman, after said receipts have been stamped and marked "registered for cancellation," and within twenty-four (24) hours after the last of said grain has been delivered, to report said receipts to the registrar cancelled; and any warehouseman, agent, clerk or servant failing to issue receipts for grain, when received as aforesaid, shall be subject to a fine of one hundred dollars (\$100) for each offense. And any warehouseman, agent, clerk or servant so delivering any grain, where receipts have been issued as aforesaid, or inspector or person connected with the grain department,

knowingly permitting said grain to be delivered without notice from the registrar that said receipts have been registered for cancellation, shall be deemed guilty of a crime, and upon conviction thereof shall be fined an amount equal to the value of the property so delivered, or imprisonment in the penitentiary not less than one year nor more than ten years.

APPROVED June 4, 1907.

WAREHOUSES—APPEALS.

§ 1. Amends section 3, Act of 1871.

§ 3. Relates to appeals—assistant inspector changed to deputy inspector.

(HOUSE BILL NO. 745. APPROVED JUNE 4, 1907.)

AN ACT to amend section three (3) of "An Act to amend an Act entitled 'An Act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article thirteen (13) of the constitution of the State,' approved April 25, 1871, in force July 1, 1871, and to establish a committee of appeal, and prescribe their duties," approved April 15, 1873, in force July 1, 1873.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented by the General Assembly:* That section three (3) of "An Act to amend an Act entitled, 'An Act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article thirteen (13) of the constitution of the State,' approved April 25, 1871, in force July 1, 1871, and to establish a committee of appeal, and prescribe their duties," approved April 15, 1873, in force July 1, 1873, be and the same is hereby amended so as to read as follows:

§ 3. In all matters involving doubt on the part of the chief inspector, or any deputy inspector, as to the proper inspection of any lot of grain, or in case any owner, consignee or shipper of grain, or any warehouse manager, shall be dissatisfied with the decision of the chief inspector or any deputy inspector, an appeal may be made to said committee of appeal, and the decision of a majority of said committee shall be final. Said board of commissioners are authorized to make all necessary rules governing the manner of appeals as herein provided. And all complaints in regard to the inspection of grain, and all notices requiring the services of the committee of appeal, may be served on said committee, or may be filed with the warehouse registrar of said city, who shall immediately notify said committee of the fact and who shall furnish said committee with such clerical assistance as may be necessary for the proper discharge of their duties. It shall be the duty of said committee, on receiving such notice, to immediately act on and render a decision in each case.

APPROVED June 4, 1907.

WAREHOUSES—REVISION OF ACT OF 1871.

§ 1. Amends sections 3, 4, 5, 6 and 14, Act of 1871.

§ 3. License of class A—revocation—review by circuit court.

§ 4. Bond—amount fixed by commissioners.

§ 5. Penalty for doing business without license.

§ 6. Discrimination prohibited—storage and mixing of grain—receipts—inspection—penalty.

§ 14. Appointment of chief inspector for entire State—deputy inspectors—bonds—duties—compensation—rules—registrar—penalties—expenses.

(HOUSE BILL NO. 848. APPROVED MAY 24, 1907.)

AN ACT to amend sections 3, 4, 5, 6 and 14 of "An Act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen of the constitution of this State," approved April 25, 1871, in force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 3, 4, 5, 6 and 14 of "An Act to regulate public warehouses, and the warehousing of grain, and to give effect to article thirteen of the constitution of this State," approved April 25, 1871, in force July 1, 1871, be and the same is hereby amended so as to read as follows:

§ 3. The proprietor, lessee or manager of any public warehouse of class A shall be required, before transacting any business in such warehouse, to procure from the Board of Commissioners of Railroads and Warehouses a license, permitting such proprietor, lessee or manager to transact business as a public warehouseman under the laws of this State, which license shall be issued by said commissioners upon a written application therefor, which shall set forth the location and name of such warehouse, and the individual name of each person interested as owner or principal in the management of the same; or, if the warehouse be owned or managed by a corporation, the names of the president, secretary and treasurer of such corporation shall be stated; and the said license shall give authority to carry on and conduct the business of a public warehouse of class A in accordance with the laws of this State, and shall be revocable by the said commissioners, after full hearing, upon satisfactory proof of any violation of law by such licensee, such proof to be taken in such manner as may be directed by and under rules to be established by said commissioners, (but the action of such commissioners in granting or refusing licenses and in revoking licenses may be reviewed by the circuit court of the county where such elevator or warehouse is located).

§ 4. The person receiving a license as herein provided shall file with the Board of Commissioners of Railroads and Warehouses a bond to the People of the State of Illinois, with good and sufficient surety, to be approved by said commissioners, in a penal sum to be fixed by said commissioners, and which shall not be less than ten thousand dollars, conditioned for the faithful performance of his duty as a public warehouseman of class A, and his full and unreserved compliance with all the laws of this State in relation thereto.

§ 5. Any person who shall transact the business of a public warehouse of class A without first procuring a license as herein provided, or who shall continue to transact any such business after such license has been revoked (save only that he may be permitted to deliver property previously stored in such warehouse) shall, on conviction, be fined in a sum not less than one hundred dollars for each and every day such business is so carried on.

§ 6. It shall be the duty of every warehouseman of class A to receive for storage any grain that may be tendered to him in the usual manner in which warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between persons desiring to avail themselves of warehouse facilities; such grain, in all cases, to be inspected and graded by a duly authorized inspector, and to be stored with grain of a similar grade, received at the same time, as near as may be. In no case shall grain of different grades be mixed together while in store; but if the owner or consignee so requests, and the warehouseman consents thereto, his grain of the same grade may be kept in a bin by itself, apart from that of other owners, which bin shall thereupon be marked and known as a "separate bin." If a warehouse receipt be issued for grain so kept separate, it shall state on its face that it is in a separate bin, and shall state the number of such bin; and no grain shall be delivered from such warehouse unless it be inspected on the delivery thereof by a duly authorized inspector of grain. Nothing in this section shall be so construed as to require the receipt of grain into any warehouse in which there is not sufficient room to accommodate or store it properly, or in cases where such warehouse is necessarily closed.

No grain shall be received into any private elevator or warehouse located in cities having a population of not less than 100,000 inhabitants until it shall have been inspected by a duly authorized inspector, (and no grain shall be delivered from any such private elevator or warehouse in cars or boats for shipment until it shall have been inspected out by a duly authorized inspector). Any proprietor, lessee or manager of any warehouse or elevator who shall refuse or neglect to cause grain to be inspected, as in this section provided, shall, upon conviction, be fined in a sum not less than one hundred dollars for each and every offense.

§ 14. 1. It shall be the duty of the Governor to appoint, by and with the advice and consent of the Senate, a suitable person who shall not be a member of the board of trade, and who shall not be interested either directly or indirectly, in any warehouse in this State, a chief inspector of grain for the entire State of Illinois, who shall hold his office for a term of two years, unless sooner removed, as hereinafter provided; the office of said chief inspector of grain shall be in the city of Chicago.

2. It shall be the duty of such chief inspector of grain to have a general supervision of the inspection of grain, as required by this Act or laws of this State, under the advice and immediate direction

of the Board of Commissioners of Railroads and Warehouses; also to have general supervision over all deputy inspectors now appointed or hereafter to be appointed.

3. The said chief inspector shall have the authority to appoint, upon the approval of the Board of Commissioners of Railroads and Warehouses, such suitable persons in sufficient numbers to act as deputy inspectors, who shall not be members of the board of trade nor interested in any warehouse, and also such other employes as may be necessary to properly conduct the business of his office; but no deputy inspector shall be appointed for or assigned to duty in any city or county in which is located one or more elevators of class B, except upon a request for such action by the county commissioners or board of supervisors of the county in which such warehouse or warehouses are located, such request to be made to the railroad and warehouse commissioners, and in cities or counties wherein a deputy inspector may be appointed or assigned to duty, no person other than such deputy inspector shall inspect or grade any grain without being liable to the penalties provided in section 20 of this Act.

4. The chief inspector of grain shall, upon entering upon the duties of his office, be required to take an oath as in cases of other officers, and he shall execute a bond to the People of the State of Illinois, in the penal sum of fifty thousand dollars, with sureties to be approved by the Board of Commissioners of Railroads and Warehouses, with a condition therein that he will faithfully discharge the duties of his said office of chief inspector of grain according to law, and the rules and regulations prescribing his duties; and that he will pay all lawful damages to any person or persons who may be injured by reason of his neglect, refusal or failure to legally comply with the law and the rules and regulations aforesaid.

5. And each deputy inspector shall take a like oath, and execute a bond in the penal sum of five thousand dollars when appointed, with like conditions, and to be approved in like manner as is provided in case of the chief inspector of grain, which said bonds shall be filed in the office of said commissioners; and suit may be brought upon said bond or bonds in any court having jurisdiction thereof, in the county where the plaintiff or defendant resides, for the use of the person or persons injured.

6. The chief inspector of grain, and all deputy inspectors of grain and other employes in connection therewith, shall be governed in their respective duties by such rules and regulations as may be prescribed by the Board of Commissioners of Railroads and Warehouses; and the said board of commissioners shall have full power to make all proper rules and regulations for the inspection of grain, and shall also have power to fix the rate of charges for the inspection of grain and the manner in which the same shall be collected, which charges shall be regulated in such manner as will, in the judgment of the commissioners, produce sufficient revenue to meet the necessary expenses of the service of inspection, but the revenues received from such inspection in any county or city shall in no event be used to pay deficit in any other county or city.

7. It shall be the duty of the board of commissioners to fix the amount of compensation to be paid to the chief inspector, deputy inspectors and all other persons employed in the inspection service, and prescribe the time and manner of their payment.

8. The Board of Commissioners of Railroads and Warehouses are hereby authorized to appoint a suitable person as warehouse registrar and such assistants as may be deemed necessary to perform the duties imposed upon such registrar by the provisions of this Act.

9. The said board of commissioners shall have and exercise a general supervision and control of such appointees, shall prescribe their respective duties, shall fix the amount of their compensation and the time and manner of its payment.

10. Upon the complaint in writing of any person to the said board of commissioners, supported by reasonable and satisfactory proof, that any person appointed or employed under the provisions of this section has violated any of the rules prescribed for his government, has been guilty of any improper official act, or has been found insufficient or incompetent for the duties of his position, such person shall be immediately removed from his office or employment by the same authority that appointed him, and his place shall be filled, if necessary, by a new appointment; or, in case it shall be deemed necessary to reduce the number of persons so appointed or employed, their term of service shall cease under the orders of the same authority by which they were appointed or employed.

11. All necessary expenses incident to the inspection of grain, and to the office of registrar, economically administered, including the rent of suitable offices, shall be deemed expenses of the inspection service and shall be included in the estimate of expenses of such inspection service and shall be paid from the funds collected for the same.

APPROVED May 24, 1907.

REVENUE.

BOARD OF EQUALIZATION—COMPENSATION, EMPLOYEES, ETC.

§ 1. Amends section 116, Act of 1872.

§ 116. Pay of members and employees—rooms, etc.

(SENATE BILL No. 392. APPROVED JUNE 4, 1907.)

AN ACT to amend section 116 of an Act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, and all subsequent amendments thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 116 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, and all subsequent amendments thereto, be amended to read as follows:

§ 116. The Secretary of State shall furnish such printing, fuel, lights and rooms as may be necessary for the transaction of the business of said board.

Each member of said board shall receive for his services the sum of \$5 per day during its sessions, and ten cents per mile for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the Auditor of Public Accounts, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of \$10 per session to each member, which shall be in full for postage, stationery, newspapers and all other incidentals and perquisites. The pay and mileage allowed to each member of said board, and the pay allowed to its secretaries and employes, shall be certified by the chairman of the board to the Auditor of Public Accounts, who shall issue his warrants on the State Treasurer therefor. Said board may employ one page, at \$2 per day; one secretary, at \$5 per day, and one janitor or doorkeeper, at \$3 per day, and such clerks as may be necessary for the transaction of the business of the board, at \$5 per day. Two-thirds of the whole number of members shall constitute a quorum, and said board may adjourn from time to time until the business before it is disposed of. Beginning with the term of office of the State board to be elected at the general election in November, A. D. 1908, each member of said board shall receive for his services the sum of \$1,000 per annum, and ten cents per mile necessarily traveled in going to and returning from the seat of government, to be computed by the Auditor of Public Accounts, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of \$10 per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidentals and perquisites. The pay and mileage allowed to each member of said board, and the pay allowed to its secretaries and employes shall be certified by the chairman of the board to the Auditor of Public Accounts, who shall issue his warrants on the State Treasurer therefor.

APPROVED June 4, 1907.

BOARD OF REVIEW AND BOARD OF EQUALIZATION—MEETINGS.

§ 1. Amends sections 34, 38, 41 and 50, Act of 1898.

§ 34. Review of assessment—time of meeting and final adjournment.

§ 38. Affidavit—counties of 125,000 shall meet when necessary.

§ 41. Town and county boards relieved—meeting of board of review.

§ 50. State Board of Equalization—time of meeting and final adjournment.

(HOUSE BILL NO. 134. APPROVED MAY 18, 1907.)

AN ACT to amend sections 34, 38, 41 and 50 of an Act entitled "An Act for the assessment of property, and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898.

SECTION I. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections 34, 38, 41 and

50 of an Act entitled "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, be and the same are amended to read as follows:

§ 34. The board of review shall meet on or before the third Monday in June in each year for the purpose of revising the assessment of property. At such meeting the board of review, upon application of any taxpayer or upon their own motion, may revise the entire assessment or any part thereof of any taxpayer, and correct the same as shall appear to them to be just, but in none of the cases provided for in this Act shall the assessment of the property of any person be increased unless such person or his agent, if either be a resident or has a place of business in the county, shall first have notified in writing and been given an opportunity to be heard. Such meeting may be adjourned from day to day as may be necessary: *Provided*, that the final adjournment of said board of review shall be on or before the seventh day of September and that no per diem compensation shall be paid any member of said board for services rendered after the date fixed for the final adjournment.

§ 38. The board of review shall, on or before the seventh day of September annually, complete its work and make or cause to be made the entries in the assessment books required to make the assessment conform to the changes made therein by the board of review, and shall attach to each of said books an affidavit signed by at least two members of such board, which affidavit shall be substantially in the following form:

STATE OF ILLINOIS, }
COUNTY OF } ss.

We, and each of us, as a member of the board of review of the assessment of the county of, in the State of Illinois, do solemnly swear that the books in number, to which this affidavit is attached, contain a full and complete list of all the real and personal property in said county subject to taxation for the year....., so far as we have been able to ascertain the same, and that the assessed value set down in the proper column opposite the several kinds and descriptions of property is, in our opinion, a just and equal assessment of such property for purposes of taxation according to law, and that the footings of the several columns in said book are correct, as we verily believe.

Dated

Provided, that in counties containing one hundred and twenty-five thousand or more inhabitants the board of review shall also meet from time to time and whenever necessary to consider and act upon complaints and to further revise the assessments of real property as may be just and necessary.

§ 41. The township supervisors, township assessors and township clerks who have heretofore acted as the town boards of review in their respective townships and the county boards shall not hereafter

have the power as such board of review to assess, equalize, review or revise the assessment of property. The boards of review herein provided for shall meet as soon after the taking effect of this Act as shall be practicable, not later than the third Monday in June, and shall thereupon at once enter upon the discharge of their duties.

§ 50. The State Board of Equalization shall hereafter assemble annually on the first Tuesday after the tenth day of August. The sessions of the board may be adjourned from day to day as may be necessary: *Provided*, that the final adjournment of said board shall be on or before the first day in November and that no per diem compensation shall be paid any member of said board for services rendered after the date fixed for the final adjournment.

APPROVED May 18, 1907.

BOARD OF REVIEW—CLERK IN CERTAIN COUNTIES.

§ 1. Amends section 30, Act of 1898.

§ 30. As amended, provides for appointment of clerk of board of review in certain counties of less than 125,000.

(HOUSE BILL NO. 109. APPROVED MAY 13, 1907.)

AN ACT to amend section thirty (30) of "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, as amended by Act approved and in force May 11, 1901.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section thirty (30) of "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, as amended by an Act approved and in force May 11, 1901, be and the same is hereby amended to read as follows:

§ 30. In counties under township organization of less than 125,000 inhabitants, the chairman of the board of supervisors and two (2) citizens of said county, to be appointed by the county judge, on or before June 1st of each year, shall constitute the board of review to review the assessments made by the county supervisor of assessments, one of said citizens shall be appointed by said county judge from each of the political parties polling the highest vote at the general election next preceding such appointment. In case of a vacancy in such board, then the county judge may appoint a citizen of such county to fill such vacancy until such time as said office can be filled by the officer herein named. The chairman of the county board shall be the chairman of the board of review. The members of the board of review shall receive as compensation the sum per day for each day of service as shall be fixed by the county board; their time of service to be made out in due form, with day and date, and sworn

to by the members thereof: *Providing, further*, that in counties of less than 125,000 inhabitants, the members of the board of review by a majority vote may select some suitable person to act as clerk of said board of review, and such clerk shall receive as compensation the sum per day for each day of service as shall be fixed by the county board; the time of services of such clerk to be made out in due form, with day and date, and sworn to by such clerk.

APPROVED May 13, 1907.

GENERAL LEVY FOR STATE PURPOSES.

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| <p>§ 1. "Revenue fund," \$5,000,000 per annum; "State school fund," \$1,000,000 per annum in lieu of two mill tax.</p> | <p>§ 2. Computation and certification of tax rate.</p> |
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(SENATE BILL NO. 546. APPROVED MAY 27, 1907.)

AN ACT to provide for the necessary revenue for State purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be raised, by levying a tax by valuation upon the assessed taxable property of the State, the following sums for the purposes hereinafter set forth:

For general State purposes, to be designated "Revenue Fund," the sum of five million dollars (\$5,000,000) upon the assessed value of the property for the year A. D. 1907; five million dollars (\$5,000,000) upon the assessed value of property for the year A. D. 1908; and for State school purposes, to be designated "State School Fund," the sum of one million dollars (\$1,000,000) upon the assessed taxable property for the year A. D. 1907, and the sum of one million dollars (\$1,000,000) upon the assessed taxable property for the year A. D. 1908, in lieu of the two mill tax.

§ 2. The Governor, the Auditor and Treasurer shall annually compute the several rates per cent required to produce not less than the above amounts, anything in any other Act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes to the contrary notwithstanding, and when so ascertained, the Auditor shall certify to the county clerk the proper rates per cent therefor, and also such definite rates for other purposes as are now or may hereafter be provided by law, to be levied and collected as State taxes, and all other laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED May 27, 1907.

PUBLICATION OF ASSESSMENTS.

§ 1. Amends section 29, Act of 1898.

§ 2. Emergency.

§ 29. Changes time of publication of assessments in counties outside of Cook.

(HOUSE BILL NO. 646. APPROVED MAY 24, 1907.)

AN ACT to amend section 29 of an Act entitled "An Act for the assessment of property and providing the means therefor and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, as amended by Act of May 18, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section twenty-nine (29) of an Act entitled "An Act for the assessment of property and providing the means therefor and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, as amended by Act of May 18, 1905, be, and the same is hereby amended so as to read as follows:

§ 29. As soon as the county assessor or supervisor of assessments shall have completed the assessment in the year A. D. 1907, he shall cause to be published a full and complete list of such assessment by township or assessment districts, which publication shall be made on or before July 10 of each year in some public newspaper or newspapers published in said county: *Provided*, that in every township or assessment district in which there is published one or more newspapers of general circulation the list of such township or assessment district shall be published in one of said newspapers so published in said township or assessment district: *And, provided*, that said newspaper shall not receive for the publishing of said assessment list to exceed three (3) cents per name for each person or corporation so assessed, and if impossible to secure publication at that price, that the publication be let to the lowest bidder at a price not exceeding five cents per tract, and shall furnish to the county assessor, the county supervisor of assessments and the board of review as many copies of said paper containing the assessment list as they may require, said papers so furnished not to cost to exceed five (5) cents per copy: *Provided, further*, that after the year 1907, the publication shall only be of the assessment of personal property and the changes made, if any, in real estate, but the real estate assessment shall be published in full every four (4) years, beginning with the year 1907: *Provided, further*, that in counties of 125,000 inhabitants or over, no assessment of real estate shall be published as herein provided until such assessment shall have been equalized, revised or affirmed by the board of review, and when the board of review shall have acted upon the assessment list of real property, as herein provided in the year 1907 and every four years thereafter, the assessors and board of review shall cause to be published a full and complete list of such assessment on real property, together with all changes made by the board of review under the authority of this Act, such changes to be indicated in a separate column, such publication to be in pamphlet form by election districts

in lieu of publication in a newspaper: *And, provided*, that the board of review shall cause to be mailed to each taxpayer in said election precinct a copy of the said list for his precinct: *Provided, further*, that in case said assessment is not published in conformity with law and was not mailed in accordance with the provisions of this Act, the failure to so publish the same or mail the same shall not be considered as a valid objection to a judgment for tax sale in the county court. The expense of such printing and publication shall be paid out of the county treasury.

§ 2. WHEREAS, An emergency exists, therefore this Act shall be in force and effect from and after its passage and approval.

APPROVED May 24, 1907.

TAX BOOKS—DELIVERY TO COLLECTOR.

§ 1. Amends section 52, Act of 1898.

§ 52. County clerk to deliver tax books to collector on January 2d.

(HOUSE BILL NO. 130. APPROVED MAY 13, 1907.)

AN ACT to amend section 52 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 52 of, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, be, and hereby is amended to read as follows:

§ 52. The county clerk shall hereafter deliver to the town, district county collectors the books for the collection of taxes on the second day of January following the year on which such taxes are levied.

APPROVED May 13, 1907.

ROADS AND BRIDGES.

APPROACHES TO BRIDGES.

§ 1. Approaches to bridges on or near town and county lines.

(HOUSE BILL NO. 677. APPROVED JUNE 4, 1907.)

AN ACT making it the duty of counties under township organization and towns in counties under township organization to build, construct and maintain approaches to bridges located on or near town and county lines.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That approaches to all bridges hereafter built and constructed under and by virtue of sections

twenty-one (21) and twenty-two (22) of an Act entitled, "An Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883; as amended by Act approved April 12, 1889, in force July 1, 1889, shall be built, constructed and maintained by the respective towns or counties within which such approach or approaches may be located, and all approaches to any and all such bridges as have been heretofore built and constructed under and by virtue of the provisions of said sections twenty-one (21) and twenty-two (22) shall be maintained be [by] the respective town or county within which such approach or approaches are now located.

APPROVED June 4, 1907.

BRIDGES AND APPROACHES OUTSIDE CITIES AND VILLAGES.

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| <p>§ 1. Authorizes building, acquisition and maintenance.</p> <p>§ 2. When toll may be collected.</p> | <p>§ 3. Controlled by city or village—county may aid in construction.</p> <p>§ 4. Bonds may be issued—submission of question—indebtedness limited, etc.</p> |
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(SENATE BILL NO. 462. APPROVED JUNE 4, 1907.)

AN ACT to enable cities and villages to build, acquire and maintain bridges and approaches thereto outside their corporate limits, and to control the same, and to issue bonds to pay for such bridges and approaches, and to pledge such bridge and approaches and the income therefrom for the payment of such bonds and the interest thereon.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for any city or village within this State to build or acquire by purchase, lease or gift, and to maintain bridges and the approaches thereto within the corporate limits, or at any point within three miles of the corporate limits of such city or village. That all such bridges shall be free to the public, and no toll shall ever be collected by any such city or village authorities except as hereinafter in this Act provided.

§ 2. That in all cases where a bridge shall heretofore have been built or shall hereafter be built across a navigable stream by any city or village in whole or in part without the territorial limits of such city, where the population of such city or village furnishing the principal part of the expenses thereof shall not exceed five thousand inhabitants, and where it is necessary to maintain a draw and lights, then a reasonable toll may be collected by the city or village building such bridge, to be set apart and appropriated to the expense of maintaining such bridge and keeping such bridge in repair, and of maintaining, opening and closing proper draws therefor, and lights, and to the payment of bonds or interest thereon, issued therefor, as hereinafter provided.

§ 3. Every bridge so owned, acquired or controlled by such city or village and the approaches thereto when in whole or in part outside the corporate limits thereof shall be subject to the municipal control

and ordinances of such city or village, the same to all intents and purposes and in effect, as though such bridge and approaches thereto were entirely situated within the corporate limits of such city or village, and in such case the county may assist in the construction of said bridge as is provided by law.

§ 4. That it shall be lawful for any city or village within this State for the purpose of acquiring, paying for maintaining, building or re-building any such bridge or bridges, and the approaches thereto as in this Act provided, to issue such bonds under the general laws of this State in an amount which, together with all the other indebtedness of such village or city, shall not exceed five per centum on the assessed valuation of the taxable property within the corporate limits of such city or village as provided by law, the same to be payable out of the general revenue and funds of such city or village.

Provided, it shall likewise be lawful for such city or village to issue for the purposes aforesaid or any of them, bonds in such sum as may be necessary for the purposes aforesaid or any of them, in addition to and over and above the bonds first in this section hereinbefore provided for, in excess of the said five per centum of the assessed valuation of the property within any such city or village. Such bonds shall not, however, be payable out of nor be a charge upon any of the general revenue or funds of said city or village, but shall be payable out of the income derived by such city or village from the operation and maintenance of any such bridge or bridges: *And, provided, further*, that before any such bonds shall be issued, the question of the issuance thereof shall be submitted to a vote of the legal voters of the said city or village and approved by a majority of those voting at such election: *And, provided, further*, that for the purpose of securing such bonds so issued in excess of said five per centum of the assessed valuation of the taxable property within such city or village, said city or village may by the ordinance providing for the issuance of said bonds, mortgage or pledge any such bridge or approaches, and the income derived or to be derived therefrom, for the payment of such bonds, and the interest thereon: *And, provided, further*, nothing herein shall prevent such city or village from paying any such bonds issued in excess of said five per centum of said assessed valuation or the interest thereon out of the general funds or revenue of such city or village, if it shall see fit so to do, if at the time of so paying same out of said general funds and revenue of said city or village, such city or village shall not be indebted in excess of five per centum of the assessed valuation of the taxable property within said village or city in excess of the amount so paid by said city or village out of its general revenue and funds in the payment of said bonds. But nothing herein shall be deemed, taken or held to entitle the holder or holders of any such bond or bonds to payment of the same or of the interest thereon out of any such general funds or revenue of such city or village.

APPROVED June 4, 1907.

HARD ROADS—BORROWING MONEY.

§ 1. Adds section 4a to Act of 1883.

§ 4a. Petition—form—special election—form of ballot—bonds—limitation of indebtedness.

(HOUSE BILL NO. 164. APPROVED JUNE 3, 1907.)

AN ACT to amend an Act entitled "An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883, in force July 1, 1883, by inserting a new section to read as follows:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883, in force July 1, 1883, be amended by inserting in said Act or concurrently with the election for such special tax a new section to be know as section 4a, to read as follows:

§ 4a. That in any township in counties under township organization and in any road district in counties not under township organization wherein the people have at any time voted for a special tax for gravel, rock, macadam or other hard roads, as provided in sections 1 and 2 of this Act, if the commissioners desire to expend on hard roads in their town (or district) a greater sum than is available to them from other sources, they or a majority of them may petition the supervisor of the town (or the county clerk of the county) to call a special election to vote on the proposition, which shall be clearly stated in the petition as follows:

"To borrow dollars to construct and maintain gravel, rock, macadam or other hard roads in the town (or district) of Which said petition shall be signed by said commissioners or a majority of them in their official capacity and by one hundred of the free holders of said town (or district) and thereupon such petition shall be filed in the office of the town clerk of such town (or the county clerk in counties not under township organization). Upon the filing of such petition, the supervisor shall order the town clerk, by an instrument in writing to be signed by him, to post up in ten of the most public places in said town, notices of such special election (or in counties not under township organization the county clerk shall post such notices in said district), which notice shall state the object, time and place of meeting, the maximum sum to be borrowed, and the manner in which the voting is to be had, which shall invariably be by ballot, and shall be "For borrowing money to (here define the purpose)" or "Against borrowing money (here define the purpose)." The special election shall be held at the place of the last annual town (or district) election, by giving at least ten days' notice, and returns thereof made in the same manner as other special town (or district) elections are now or may hereafter be provided by law; and if it shall appear that a majority of the legal voters voting at said election shall be in favor of said proposition the supervisor and town clerk (or the county

clerk) acting under the direction of the commissioners of said town shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town (or district) for the purpose of building and maintaining gravel, rock, macadam or other hard roads; said bonds to be of such denominations, bear such rate of interest, not exceeding five per cent, upon such time, and be disposed of as the necessities and conveniences of said town (or district) officers require: *Provided*, that said bonds shall not be sold or disposed of either by sale or by payment to contractors for labor and materials for less than their par value; such bonds to be issued in not more than ten annual series; the first series of which shall mature not more than five years from the date thereof and each succeeding series in succeeding years thereafter. A record of all issues of said bonds shall be kept in the office of the county clerk of the county in which said township or district is located and it shall be the duty of of such county clerk to extend annually against the property in said township or road district, a tax sufficient to pay the interest of said bonds in each year prior to the maturity of such first series and thereafter he shall extend a tax in each year sufficient to pay each series as it matures, together with interest thereon and with the interest upon the unmatured bonds outstanding. Such bonds may be lithographed and the interest for each year evidenced by interest coupons thereto attached which shall be signed by the same officers who execute the bonds: *Provided, however*, that the amount, including the principal and interest, to be voted upon shall not exceed the amount which can be raised during a period of five years by a levy of one dollar on each one hundred dollars of taxable property in said township (or district) as compared on the value of such property as taken for assessment purposes in such town (or district): *And, provided, further*, that the total amount of such bonded indebtedness shall in no case exceed thirty-five thousand dollars (\$35,000.00) and such town or district shall provide for the payment of such bonds and the interest thereon by appropriate taxation.

APPROVED June 3, 1907.

IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

COMPENSATION OF OFFICERS—WORK ON ROADS.

§ 1. Amends sections 49 and 51, Act of 1887.

§ 49. Compensation of officers.

§ 51. Work on roads and bridges—time for grading dirt roads—use of drags—penalty.

(HOUSE BILL NO. 224. APPROVED MAY 24, 1907.)

AN ACT to amend sections forty-nine (49) and fifty-one (51) of an Act entitled "An Act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges in counties not under township organization, and to repeal an Act and parts of Act [Acts] therein named," approved May 4, 1887, in force July 1, 1887, and all Acts amendatory thereto, and to provide for a penalty of the commissioners for failure to carry out the provisions of this Act.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections forty-nine (49) and fifty-one (51) of an Act entitled "An Act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges in counties not under township organization, and to repeal an Act and parts of Acts therein named," approved May 4, 1887, and in force July 1, 1887, and all Acts amendatory thereof be amended so as to read as follows:

§ 49. The following compensation shall be allowed to the officers provided for by this Act: 1. The commissioners of highways shall each receive for each day necessarily employed in the discharge of their duties the sum of two dollars, upon a sworn statement to be filed by each commissioner in the district clerk's office, showing the number of days he was employed, and the kind of employment, and giving the date thereof. 2. The justice of the peace required by this Act to assist in canvassing the vote, shall receive the sum of two dollars per day for his services. 3. The district clerk shall receive two dollars per day for each day he shall be in attendance at a meeting of the board, and the same amount per day for the time he shall be employed as clerk of election, or in canvassing the returns of such election. He shall receive no other per diem. In addition to the above he shall also receive fees for the following services, to be paid out of the district funds, except where otherwise specified: For serving notice of election or appointment upon district officers, as required by this Act, 25 cents each; for posting up notices required by law, 25 cents each; for copying any record in his office and certifying to the same, 10 cents for every hundred words, to be paid by the person applying for the same. Such clerk shall also, as treasurer, receive 1 per cent on all moneys received, not received from his predecessor, and 1 per cent on all moneys paid out, not paid to his successor.

§ 51. The commissioner of highways shall have charge of the roads and bridges of their respective districts, and it shall be their duty to keep the same in repair, and improve them so far as practicable, and in case they fail or neglect to keep said roads and bridges in good repair, they shall personally be responsible for all damages that may be sustained by any one either in person or property by reason of their failure or neglect to keep the same in good repair: *Provided*, that county boards in counties not under township organization shall have charge and control of all bridges, the construction of which costs exceeding one hundred dollars (\$100), and the county boards shall, when the interest of the public requires it, build such new bridges as cost exceeding that sum. Whenever the available means at the disposal of the highway commissioners will permit it, they shall construct permanent roads, beginning where most needed. The work of grading on all dirt roads shall be done between April 15th and September 1st of each year, and no other grading of dirt roads shall be done at any other time of the year except for necessary repairs, and said roads shall be worked in accordance with the best known methods of road making, by proper grading and dragging of the same by means of drags, which drags shall be dragged over

and along said roads until same shall be put in a good condition, leaving said roads so that the water will drain toward either side, and said roads shall be thoroughly drained by tile or otherwise, as may be expedient, and by the application of gravel, rock or other material. Any commissioner failing or neglecting to work the roads during the time and in the manner therein provided shall be subject to a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

APPROVED May 24, 1907.

IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

WIDTH OF PUBLIC ROADS.

§ 1. Amends section 76, Act of 1887.

§ 76. Width of road—exception
—when deemed vacated
—emergency.

(HOUSE BILL NO. 107. APPROVED FEBRUARY 21, 1907.)

AN ACT to amend section seventy-six of "An Act to provide for the organization of road districts, the election and duties of officers therein and in regard to roads and bridges in counties not under township organization and to repeal an Act and parts of Act [Acts] therein named," approved May 4, 1887, and in force July 1, 1887, as amended by Act approved June 5, 1889, and in force July 1, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seventy-six (76) of "An Act to provide for the organization of road districts, the election and duties of officers therein and in regard to roads and bridges, in counties not under township organization and to repeal an Act and parts of Acts therein named," as amended by Act approved June 5, 1889, and in force July 1, 1889, be amended so as to read as follows:

§ 76. All public roads established under the provisions of this Act shall be of the width of sixty feet: *Provided*, that on petition for a new road, if a majority of the land owners living along the line of said road sign a petition for a less width than sixty feet, then the commissioners of highways may, when the interests of the public permit, authorize and lay out said road of a width not less than forty feet, and roads called public and private roads may be of the width as in this Act provided: *Provided, further*, that in case of any new public road heretofore petitioned to be laid out and established and where a final order establishing such road of a width of sixty feet has not been made, upon petition of a majority of the owners of the land over which such road shall pass, asking that such new road be established of a lesser width than sixty feet the commissioners may grant the prayer of said petition by endorsing upon the back thereof a memorandum to that effect and duly signing the same; and such order shall have the force and effect of reducing such new road to the width as in said petition prayed, not less than forty

feet, and all proceedings for the establishing of such new road may be amended to conform thereto. And in all such cases where damages have been assessed by a jury and entered upon the docket of the justice in the nature of a judgment as provided by law, such proceedings and judgment may be set aside upon payment of all costs accrued therein; and after amendment of the certificate filed with the justice of the peace, a new trial may be had upon giving to the adverse party or parties not less than ten days' notice in writing thereof. All public roads laid out as herein provided shall be opened within two years from the time of the laying out the same. If the damages resulting from the establishing of such roads shall not be paid within ninety days from the time it is determined by agreement or final trial; or if such roads are not opened within two years from the time of the laying out of the same, such roads shall be deemed to be vacated.

WHEREAS, An emergency exists, therefore it is enacted that this Act be in force and effect from and after its passage.

APPROVED February 21, 1907.

IN COUNTIES UNDER TOWNSHIP ORGANIZATION.

APPEAL FROM JURY.

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| § 1. Adds sections 62a and 62b to Act of 1883. | § 62b. Repeal. |
| § 62a. Appeal from jury on value of land. | |

(SENATE BILL NO. 28. FILED MAY 27, 1907.)

AN ACT to amend "An Act in regard to roads and bridges in counties under township organization," approved June 23, 1883, in force July 1, 1883, as amended by an Act approved June 30, 1885, as amended by an Act approved April 24, 1899, as amended by an Act approved May 11, 1901, as amended by an Act approved and in force May 13, 1903, as amended by an Act approved May 13, 1905, as amended by an Act approved May 16, 1905, by adding two new sections thereto, to be numbered 62a and 62b.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That an Act to amend an Act entitled, "An Act in regard to roads and bridges in counties under township organization," and to repeal an Act and parts of Acts therein named, approved June 23, 1883, in force July 1, 1883, as amended by an Act approved June 30, 1885; also as amended by an Act approved April 24, 1899, also amended by an Act approved May 11, 1901, also amended by an Act approved and in force May 13, 1903, also amended by an Act approved May 13, 1905, and also amended by an Act approved May 16, 1905, be amended by adding two new sections, to be numbered 62a and 62b.

§ 62a. When such appeal is taken from the verdict of the jury, which was called by the supervisors on an appeal; when the supervisors cannot agree with the owners of the land in regard to the same, then all proceedings shall cease until the amount of damages is settled

by the court of appeal, and within twenty (20) days after final adjudication of the court on an appeal, the supervisors shall again meet; or in case of the death of any one, or inability to act, of any of the supervisors on appeal, then their successors in office shall meet and finally determine upon the advisability of laying out the road, and shall make an order for the same and file it in the town clerk's office, which shall be final for two years from the filing of said order, in the town clerk's office; and in case the order of the supervisors is for laying out the road, the highway commissioners and board of auditors shall proceed at once and levy a tax as provided in sections 13, 14, 15 and 16 of this Act; and in case the road is not opened, by failure to open such road, by the failure, neglect or refusal of the highway commissioners, or board of town auditors, to determine, certify or make any tax levy as herein provided, then, and in that case, the time of pending of any proper legal proceedings taken to compel such highway commissioners, or board of town auditors to perform such duties, shall not constitute any part of said two (2) years.

§ 62b. Any Act, or part of Act in conflict with this, is hereby repealed.

FILED May 27, 1907.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.
Witness my hand this 27th day of April, A. D. 1907.

JAMES A. ROSE,
Secretary of State.

IN COUNTIES UNDER TOWNSHIP ORGANIZATION.

COMPENSATION OF OVERSEERS.

§ 1. Amends section 118, Act of 1883.

§ 118. Fixes compensation of overseers.

(SENATE BILL No. 424. APPROVED MAY 25, 1907.)

AN ACT to amend section one hundred eighteen (118) of "An Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one hundred eighteen (118) of an Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, be amended to read as follows:

§ 118. COMPENSATION OF OVERSEERS.] Each and every overseer of highways shall be entitled to two dollars (\$2.00) per day for every day he is necessarily employed in the execution of duties of overseers, exceeding the amount of his highway labor and road tax, the number of days to be accounted to and audited by the commissioners of highways: *Provided*, that the number of days to be audited shall be left discretionary with the commissioners of highways.

APPROVED May 25, 1907.

IN COUNTIES UNDER TOWNSHIP ORGANIZATION.
WIDTH, ALTERATION AND VACATION OF ROADS.

§ 1. Amends sections 30 and 31, Act of 1883.

§ 30. Width of road—when deemed vacated.

§ 31. Petition for altering, widening, vacating and laying out roads.

(HOUSE BILL NO. 177. APPROVED MAY 17, 1907.)

AN ACT to amend sections 30 and 31 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 30 and 31 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, be and the same are hereby amended to read as follows:

§ 30. WIDTH OF ROAD—WHEN DEEMED VACATED.] All public roads established under this Act shall be of the width of not less than forty feet nor more than sixty feet as the interests of the public permits, which width shall be specifically set forth in the petition as herein directed, and roads called public and private may be of the width in this Act provided. All public roads laid out as herein provided shall be opened within two years from the laying out of the same. If not opened within the time specified, the same shall be deemed to be vacated.

[§] 31. ALTERING—WIDENING—VACATING AND LAYING OUT ROADS.] § 31. The commissioners may alter, widen or vacate any road, or lay out any new road, in their respective towns, when petitioned by any number of land owners, not less than twelve, who shall reside in said town within two miles of the road to be altered, widened, vacated or laid out, or two-thirds of the land owners residing in such town within two miles of the road to be altered, widened, vacated or laid out: *Provided*, said commissioners may, when in their judgment the interests of the public will permit, also narrow or reduce the width of public roads to not less than forty feet when the same is petitioned for by a majority of land owners along the line of said road so far as the same shall extend within the township, or so far as said petition shall extend within the township. When possible the land so vacated by reducing the width of the road shall be taken equally from both sides of the public highway. In cases of natural obstruction upon one side of the public highway or where the said road extends along the right of way of any railroad, river or canal, the commissioners are authorized to reduce the width of the road on one side only: *Provided, further*, that said commissioners may also narrow or reduce the streets in town plats not incorporated, so as to leave the same not less than sixty feet in width, on petition and under like proceedings as herein provided in case of laying out, altering, widening, narrowing or vacating roads.

APPROVED May 17, 1907.

MOTOR VEHICLES.

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| <p>§ 1. Short title motor vehicles defined.</p> <p>§ 2. Registration by owners of automobiles—registration defined.</p> <p>§ 3. Numbers to be displayed upon motor vehicles.</p> <p>§ 4. Lamps and numbers thereon.</p> <p>§ 5. Registration of manufacturers and dealers.</p> <p>§ 6. Fictitious numbers.</p> <p>§ 7. Registration by subsequent purchaser.</p> <p>§ 8. Non-resident not required to register under certain conditions.</p> <p>§ 9. Brakes, horns, etc.</p> <p>§ 10. Speed.</p> <p>§ 11. Racing on public highway.</p> | <p>§ 12. Stop on signal.</p> <p>§ 13. No other license required—no ordinance regulating the use or speed of motor vehicles (except by park commissioners) or requiring numbers, effective.</p> <p>§ 14. Chauffeurs' registration and record—fee.</p> <p>§ 15. Chauffeurs' badge.</p> <p>§ 16. Use of motor vehicles without owner's consent and offer or acceptance of bonus on purchase of supplies or parts prohibited.</p> <p>§ 17. Meeting horses—giving name and address in case of accident, etc.</p> <p>§ 18. No effect or right to damages.</p> <p>§ 19. Penalties.</p> <p>§ 20. Public highways and local authorities defined.</p> <p>§ 21. Acts repealed.</p> |
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(SENATE BILL NO. 5. FILED MAY 28, 1907.)

AN ACT defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof, and repealing an Act entitled, "An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois," approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* SHORT TITLE MOTOR VEHICLE DEFINED.] That the short title of this Act shall be "Motor Vehicle Law." Whenever the term motor vehicle is used in this Act, it shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power, except motor bicycles, traction engines and road rollers, the cars of electric and steam railways and other motor vehicles running only upon rails or tracks, but nothing in this Act shall be construed to apply to, or affect, bicycles or tricycles or such other vehicles as are propelled exclusively by muscular pedal power.

§ 2. REGISTRATION BY OWNERS OF AUTOMOBILES—REGISTRATION SEAL.] Every owner of a motor vehicle which shall be driven in this State shall, except as otherwise provided in this Act, within ten days after he becomes the owner of such vehicle, file in the office of the Secretary of State a declaration of his name and address, with a brief description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power, on a blank to be prepared and furnished by such Secretary of State for that purpose, and shall pay to the said Secretary of State a registration fee of two dollars for each motor vehicle owned by the person making such declaration. The Secretary of State shall forthwith, on such registra-

tion and without further fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal which shall be circular in form and not to exceed two inches in diameter, having stamped thereon the words, "Registered Motor Vehicle No. . . . , Ill. Motor Vehicle Law," with the registration number inserted therein, which seal shall thereafter at all times be affixed to the motor vehicle to which such number has been assigned, and shall cause the name of such owner with his address and number of his certificate and a description of such motor vehicle or motor vehicles to be entered in alphabetical order of the owner's name in a book to be kept for such purpose in the office of said Secretary of State: *Provided*, that this section shall not apply to manufacturers of, or dealers in, motor vehicles in this State, except as to vehicles kept by such manufacturers or dealers for private use or for public hire. The Secretary of State shall once a year, and oftener if he deems necessary, print and mail to the clerks of all counties in the State, lists of registration made in accordance herewith, together with the numbers of the motor vehicles and the names and addresses of the owners thereof.

§ 3. NUMBERS TO BE DISPLAYED UPON MOTOR VEHICLES.] The owner of each motor vehicle shall have a number corresponding with the number of the registration seal issued by the Secretary of State, as hereinbefore provided, conspicuously displayed upon the front and back of every such motor vehicle owned by him, whenever the same shall be driven or used upon the public streets, roads, turnpikes, parks, parkways, drives or other public highways in this State, such numbers to be separate Arabic numerals not less than four inches in height and each stroke to be of a width not less than one-half of an inch, and also, as part of such number, the letters ILL.; such numbers and letters shall be black on white ground, and such letters to be not less than one inch in height and, excepting the numbers upon the lamps, as required by section four of this Act, said owner shall not be required to place any other marks of identity upon his said motor vehicle.

§ 4. LAMPS AND NUMBERS THEREON.] Every motor vehicle shall carry, during the period from sunset to one hour before sunrise, at least two lighted lamps showing white lights visible at least two hundred feet in the direction toward which each motor vehicle is proceeding, and shall also exhibit at least one red light visible in the reverse direction, attached to the rear of such motor vehicle. Upon each of the glass fronts of the two aforesaid lamps, showing white lights, shall be displayed in such manner as to be plainly visible, when such lamps are lighted, the number of the certificate issued as aforesaid by the Secretary of State, and in addition thereto the letters ILL., such figures to be in separate Arabic numerals not less than one inch in height.

§ 5. REGISTRATION OF MANUFACTURERS AND DEALERS.] Each manufacturer of, and dealer in, motor vehicles, doing business in this State, shall register one vehicle of each class manufactured or dealt in by him, and if a number corresponding to the number of the registration seal issued to such manufacturer or dealer is displayed upon every vehicle of the class for which it was issued as provided in this section,

while such vehicle is being operated by such manufacturer or dealer, or his agent, or representative, on the public highway, it shall be deemed a sufficient compliance with sections two, three and four of this Act, until such vehicle shall be sold or let for hire, provided that electrically driven motor vehicles shall constitute a class, those propelled by steam power a class, and those propelled by gasoline explosive type engines a class, and that nothing in this section shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for his private use or for hire. No motor vehicle shall be used or operated upon the public highways of this State after this Act shall take effect unless the owner shall have complied in all respects with sections two, three, four and five of this Act.

§ 6. FICTITIOUS NUMBER.] No motor vehicle shall be used or operated upon the public highways of this State after this Act shall take effect which shall display thereon a number belonging to any other vehicle or fictitious registration number: *Provided, however,* that this section shall not be construed to prohibit any other number being displayed for any lawful purpose upon a motor vehicle in addition to the number of registration seal issued by the Secretary of State as aforesaid.

§ 7. REGISTRATION BY SUBSEQUENT PURCHASERS.] The vendor and purchaser of every motor vehicle which has been previously registered by any person other than a manufacturer or dealer shall, within ten days after such sale, join in a statement and send the same by mail to the Secretary of State, together with a filing fee of fifty cents, and thereupon said registration shall cease to apply to the motor vehicle so sold, and the purchaser of such motor vehicle shall register the same as in case of an original registration and another and different number than the original registration number shall be assigned to said motor vehicle by the Secretary of State, and the person to whom said original registration number was first issued shall have the right to register any other motor vehicle owned by him as herein provided and have said original registration number assigned thereto at any time within one year thereafter. Said statement shall notify said Secretary of State of the sale and of the name and address of the purchaser and the change of ownership shall be entered by the Secretary of State upon his records.

§ 8. NON-RESIDENT NOT REQUIRED TO REGISTER UNDER CERTAIN CONDITIONS.] The provisions of sections two, three, four, five and six of this Act shall not apply to any motor vehicle owned by non-residents of this State, provided the owner thereof has complied with any law requiring the registration of motor vehicles, or the names of the owners thereof, in force in the city, state, territory or federal district of his residence, provided the registration number showing the initial or abbreviation of the name of such city, state, territory or federal district shall be displayed on such vehicle, substantially as in section three of this Act provided: *And, provided,* that nothing in this section contained shall be so construed as to exempt non-resident owners and

drivers of automobiles from complying with the first part of section four of this Act requiring the carrying of lighted lamps as in said section provided.

§ 9. BRAKES, HORNS, ETC.] Every motor vehicle while in use on a public highway shall be provided with good and sufficient brakes and also with a suitable bell, horn or other signal device. No part of the machinery of any motor vehicle shall be left running while such vehicle is left standing without an attendant on any public highway in this State.

§ 10. SPEED.] The following rates of speed may be maintained, but shall not be exceeded upon any public highway in this State by any one driving a motor vehicle, or a motor bicycle.

(a) A speed of one (1) mile in ten minutes when turning a corner of intersecting streets or cross roads, and a speed of one mile in four (4) minutes where any street, road or highway passes through the residence portions of any incorporated town, city or village.

(b) A speed of one mile in six minutes where such street or highway passes through closely built up business portions of any town, city or village.

(c) Elsewhere and except as otherwise provided in sub-sections (a) and (b) of this section, a speed of one mile in three minutes: *Provided, however*, that nothing in this section contained shall permit any person to drive a motor vehicle at a speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb or injure the property of any person.

§ 11. RACING ON PUBLIC HIGHWAY.] Any person driving a motor vehicle or a motor bicycle upon a public highway in this State in a race, shall, upon conviction, be fined in a sum not exceeding \$200.00.

§ 12. Whenever it shall appear that any horse ridden or driven by any person upon any of said streets, roads or highways is about to become frightened by the approach of any such motor vehicle it shall be the duty of the person driving or conducting such motor vehicle to cause the same to come to a full stop until such horse or horses shall have passed.

§ 13. NO OTHER LICENSE REQUIRED—NO ORDINANCE REGULATING THE USE OR SPEED OF MOTOR VEHICLES—EXCEPT BY PARK COMMISSIONERS—OR REQUIRING NUMBERS EFFECTIVE.] No owner of a motor vehicle who shall have obtained a certificate from the Secretary of State as hereinbefore provided shall be required to obtain any other license or permit to use or operate the same, nor shall such owner be required to display upon his motor vehicle any other number than the number of the registration seal issued by the Secretary of State, or excluded or prohibited from, or limited in the free use of his said motor vehicle or vehicles, nor limited as to speed upon any public street, avenue, road, turnpike, driveway, parkway, or any other public place, at any time when the same is or may hereafter be opened to the use of persons having or using other vehicles, nor be required to comply with other provisions or conditions as to the use of said motor

vehicles except as in this Act provided: *Provided, however*, that nothing in this section contained shall be construed to apply to, or include, any speedway created, provided for, or maintained by the local authorities of any city, village, town or other municipal corporation within the State: *And, provided, further*, that the local authorities having jurisdiction over the public parks and boulevards connecting or pertaining to the same shall not by the terms of this Act be prohibited from adopting and enforcing such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated within or upon any such parks, parkways or boulevards, provided the rate of speed of motor vehicles fixed by such ordinances, rules or regulations shall not be lower than the rate fixed for other vehicles and provided such authorities shall, by signs conspicuously placed, indicate the rate of speed permitted by such ordinances, rules or regulations: *And, provided, further*, that motor vehicles may be excluded from any cemetery or grounds used for the burial of the dead, by the authorities having jurisdiction over the same. Except as in this section provided, no city, town or village, or other municipality, shall have power to make any ordinance, by-laws or resolution limiting or restricting the use or speed of motor vehicles, and no ordinance, by-law or resolution heretofore or hereafter made by any city, village or town, or other municipal corporation within the State, by whatever name known or designated, in respect to or limiting the use or speed of motor vehicles shall have any force, effect or validity and they are hereby declared to be of no validity or effect: *Provided*, that nothing in this Act contained shall be construed as affecting the power of municipal corporations to make and enforce ordinances, rules and regulations affecting motor vehicles which are used within their limits for public hire.

§ 14. CHAUFFEUR'S REGISTRATION AND RECORD—FEE.] Every person hereafter desiring to operate a motor vehicle as chauffeur, which is hereby defined to mean any person operating a motor vehicle as mechanic or employé or for hire, shall file in the office of the Secretary of State, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motor power of the motor vehicle or vehicles he is competent to operate, and shall pay a registration fee of one dollar, and thereupon the Secretary of State shall file such statement in his office, register such chauffeur in a book or index to be kept for that purpose and assign to him a number.

§ 15. CHAUFFEUR'S BADGE.] The Secretary of State shall forthwith, upon such registration and without other fee, issue and deliver to such chauffeur a badge of aluminum or other suitable metal which shall be oval in form and the greater diameter of which shall not be more than two inches, which said badge shall have stamped thereon the words, "Registered Chauffeur No. Illinois Motor Vehicle Law," with the registration number inserted therein, and which badge shall thereafter be worn by such chauffeur and pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways; and no chauffeur who shall not have com-

plied with the provisions of this Act shall operate a motor vehicle upon the public highways after this Act takes effect, and no chauffeur shall voluntarily permit any other person to wear his badge, nor shall any person operating a motor vehicle wear any fictitious badge or any badge belonging to any other person.

§ 16. USE OF MOTOR VEHICLES WITHOUT OWNER'S CONSENT AND OFFER OR ACCEPTANCE OF BONUS ON PURCHASE OF SUPPLIES OR PARTS PROHIBITED.] No chauffeur or other person shall drive or operate any motor vehicle upon any street, or highway in this State in the absence of the owner of such motor vehicle without said owner's consent; and no chauffeur or other person having the care of a motor vehicle for the owner shall receive or take directly or indirectly any bonus, discount or other consideration for the purchase of supplies or parts for such motor vehicle, or for work or labor done thereon by others; and no person furnishing such supplies or parts, work or labor, shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner thereof, either directly or indirectly any bonus, discount or other consideration thereon. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding two hundred dollars (\$200) or imprisonment in the county jail for a period not exceeding six (6) months or both, in the discretion of the court.

§ 17. MEETING HORSES—GIVING NAME AND ADDRESS IN CASE OF ACCIDENT, ETC.] Upon approaching a person walking upon or along a public highway, or a horse or horses, or other draft animals, being ridden, led, or driven thereon, the operator of a motor vehicle or motor bicycle shall give reasonable warning of his approach and use every reasonable precaution to avoid injuring such person, or frightening such horse, horses or other draft animals, and in case of any injury to a person or property on the public highways, due to the presence or operation of a motor vehicle, the operator of such vehicle shall stop and, upon request of a person injured, or any person present, give his name and address, and, if not the owner of such motor vehicle, the name and address of such owner.

§ 18. NO EFFECT ON RIGHT TO DAMAGES.] Nothing in this Act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from the negligent use of the highways by the driver or operator of a motor vehicle or its owner or his employé or agent. And in any action brought to recover any damages for injury either to person or property caused by running any motor vehicle at a greater rate of speed than designated in section 10, the plaintiff or plaintiffs shall be deemed to have made out a *prima facie* case by showing the fact of such injury and that such person or persons driving such motor vehicle or vehicles was at the time of such injury running the same at a speed in excess of that mentioned in said section 10, or at an unreasonable rate of speed as set forth in clause C of said section.

§ 19. PENALTIES.] Any person wilfully violating the provisions of this Act shall, except as otherwise provided herein, upon conviction be fined in a sum not to exceed the amounts hereinafter set forth.

For a violation of section two, twenty-five dollars.

For a violation of section three, twenty-five dollars.

For a violation of section four, twenty-five dollars.

For a violation of section five, twenty-five dollars.

For a violation of section six, twenty-five dollars.

For a violation of section seven, twenty-five dollars.

For a violation of section nine, twenty-five dollars.

For a violation of section ten, subdivision a, two hundred dollars.

For a violation of section ten, subdivision b, two hundred dollars.

For a violation of section ten, subdivision c, two hundred dollars.

For a violation of section twelve, two hundred dollars.

For a violation of section fourteen, ten dollars.

For a violation of section fifteen, fifteen dollars.

For a violation of section seventeen, one hundred dollars.

Any provision not herein specifically mentioned, one hundred dollars.

Provided, that any offender who shall have been found guilty of a violation of any section of this Act and fined therefor and who shall within six calendar months thereafter be convicted of a second violation of such section, may be fined in a sum not exceeding double the penalty herein provided for a first offense, and in addition thereto may have his certificate or license issued by the Secretary of State revoked for a period not exceeding thirty days, and for a third or subsequent violation of the same section of this Act within six calendar months after the date of such second violation the certificate or license may, in addition to the fine provided for a second offense, be revoked for a period not exceeding three months. Any person whose license shall have been revoked for a violation of any of the provisions of this Act and who shall drive or operate a motor vehicle within the State of Illinois during the period for which his said license shall have been revoked, or any person who having once been convicted of a failure to comply with the provisions of this Act requiring a registration of motor vehicles or registration by chauffeurs shall fail or refuse to comply with said provisions, shall be deemed guilty of a misdemeanor and on conviction may be fined in a sum not to exceed two hundred dollars, or imprisoned in the county jail for a period not exceeding thirty days, or both, in the discretion of the court. All fines imposed for the violation of any of the provisions of this Act shall be paid to the treasurer of the highway commissioners of the township or road district in which the offense is committed by the justice of the peace, clerk of the court or other officer to whom the amount of such fines shall be by law required to be paid by the constable, bailiff, sheriff or other officer named in any execution issued for the collection of the same, and all moneys so received by the treasurer of the highway commissioners shall be used in repairing and improving the roads within such township or road district: *Provided, however*, that whenever any such violation shall occur within the limits of any city, vil-

lage or incorporated town, or within the jurisdiction of any board of park commissioners wherein no commissioners of highways exist or have jurisdiction, in such case all fines imposed for the violation of any of the provisions of this Act shall be paid to the treasurer of such city, village or incorporated town, or to the park commissioners within whose jurisdiction the offense is committed by the justice of the peace, clerk of the court or other officer to whom the amount of such fines shall be by law required to be paid by the constable, bailiff, sheriff or other officer named in any execution issued for the collection of the same, and all moneys so received by the treasurer of such city, village or incorporated town, or park commissioners shall be used in repairing and improving the roads or streets within such city, village, incorporated town or park.

§ 20. PUBLIC HIGHWAYS AND LOCAL AUTHORITIES DEFINED.] Public highways shall include any highway, county road, State road, public street, avenue, alley, park, parkway, driveway or public place in any county, city, village, incorporated town or towns. Local authorities shall include all officers of counties, cities, villages, incorporated towns, towns or road districts, as well as all boards, committees and other public officials of such counties, cities, villages, incorporated towns, towns or road districts.

§ 21. ACTS REPEALED.] An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois, approved May 13, 1903, in force July 1, 1903, is hereby repealed, and all other Acts or parts of Acts inconsistent herewith or contrary hereto are, so far as they are inconsistent or contrary, hereby repealed.

FILED May 28, 1907.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.

Witness my hand this 28th day of May, A. D. 1907.

JAMES A. ROSE,
Secretary of State.

ROAD DRAGS.

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| § 1. Use authorized—contracts—preference to owners or tenants of adjoining land—maximum rates. | § 3. Travel upon regulated. |
| § 2. Obstructing drainage. | § 4. Penalty. |
| | § 5. Repeal. |

(SENATE BILL NO. 349. APPROVED MAY 1, 1907.)

AN ACT authorizing the commissioners of highways in any township in counties under township organization, and the commissioner of highways or boards of county commissioners in counties not under township organization, to maintain earth roads with a drag and to contract for the use of the same and to provide penalty for injury to work so done.

SECTION I. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the commissioners of highways in any township in counties under township organization, or the

commissioners of highways or boards of county commissioners in counties not under township organization, are hereby authorized to have earth roads dragged at all seasons of the year whenever they may deem it beneficial to have such work done; and they may contract, a preference to be given adjoining land owners or tenants, have a given piece of road dragged at a rate not to exceed one dollar (\$1.00) per mile for each time dragged, if such work is done during the months of December, January, February or March, and not to exceed a rate of seventy-five (75) cents per mile for each time dragged, if such work is done during other months of the year than aforesaid: *Provided*, that the width required by the highway commissioners to be dragged shall be not less than twenty (20) feet, if the width of roadway will permit: *Provided, also*, that the dragging is done as nearly as practicable in accordance with the instructions of the highway commissioners of the township.

§ 2. It shall be unlawful for any person or persons to place loose earth, weeds, sods, or other vegetable matter on the portion of a road which has been dragged and so maintained in good condition, or to place any material in such a manner as to interfere with the free flow of water from the dragged portion of the road to the side gutters or ditches: *Provided*, that this restriction shall not apply to deposits of earth or other material that may be made by the authority of the proper road officials, if necessary for filling or raising the elevation of a given section of road or other necessary construction work.

§ 3. It shall also be unlawful for any person or persons to drive or cause to be driven a vehicle of any description in or upon any portion of the highway immediately after the same has been dragged and before such portion of the highway shall have partially dried out or frozen: *Provided*, that nothing in this section shall apply in those instances where it is impossible to drive with safety at one side of said dragged portion of the road, or where a vehicle does not make a rut on such dragged portion of the road, injurious to the work accomplished by use of the road drag, or where a vehicle does not make a rut nearer than nine (9) feet from the center of the dragged portion of the road.

§ 4. Any person violating any of the provisions of this Act shall be considered guilty of a misdemeanor and shall on conviction before any justice of the peace be fined a sum not less than one dollar (\$1.00) nor more than five dollars (\$5.00) for the first offense, and for such offense thereafter a sum not less than five dollars (\$5.00) and not exceeding ten dollars (\$10.00), said fund to be paid into the road funds of the township or road district where the damage may have been sustained.

§ 5. All Acts or parts of Acts, which are inconsistent herewith are hereby repealed.

APPROVED May 1, 1907.

STEAM ENGINES ON PUBLIC HIGHWAYS.

§ 1. Repeals section 3 (relating to use of planks) and amends section 4, Act of 1885.

§ 4. As amended, removes penalty for violation of section 3, repealed.

(HOUSE BILL NO. 291. APPROVED MAY 17, 1907.)

AN ACT to repeal section 3 and to amend section 4 of an Act entitled, "An Act to protect persons and property from danger from steam engines on public highways," approved June 26, 1885, in force July 1, 1885.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 3 of an Act entitled "An Act to protect persons and property from danger from steam engines on public highways," approved June 26, 1885, in force July 1, 1885, be and the same is hereby repealed, and that section 4 of said Act be amended to read as follows:

§ 4. Any owner of a steam engine, who, by himself, agent or employé, violates the provisions of sections "one" or "two" of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, for each offense, be fined not less than ten dollars nor more than fifty dollars, to be recovered before any court of competent jurisdiction, and shall also be liable for all damages that may be sustained by persons or property by reason of his failing to comply with the provisions of this Act.

APPROVED May 17, 1907.

SCHOOLS.

ANNUAL TAX LEVY—INCIDENTAL EXPENSES DEFINED.

§ 1. Amends section 202, Act of 1889.

§ 202. Annual tax levy for school purposes—incidental expenses defined.

(HOUSE BILL NO. 186. APPROVED MAY 20, 1907.)

AN ACT to amend section 202 article 8, of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889, as amended by an Act approved April 21, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 202, article 8, of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889, as amended by an Act approved April 21, 1899, in force July 1, 1899, be amended so as to read as follows:

§ 202. For the purpose of establishing and supporting free schools for not less than six nor more than nine months in each year, and defraying all the expenses of the same of every description, for the purpose of repairing and improving school houses, of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses in each district, village or city, anything in any special

charter to the contrary notwithstanding, the directors of such district and the authorities of such village or city shall be authorized to levy a tax annually upon all the taxable property of the district, village or city not to exceed two and one-half per cent for educational and two and one-half per cent for building purposes (except to pay indebtedness contracted previous to the passage of this Act), the valuation to be ascertained by the last assessment for State and county taxes: *Provided*, that in cities having a population exceeding one hundred thousand inhabitants the board of education may establish and maintain vacation schools and play grounds under such rules as it shall prescribe: *And, provided, further*, that nothing herein contained shall be held to repeal or modify the limitations contained in section forty-nine (49) of an Act entitled "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1908. *And, provided, further*, that in municipalities of less than 100,000 inhabitants the term incidental expenses as herein used shall not include any sum expended or obligation incurred for the improvement, repair or benefit of the school buildings, or property but all such sums and obligations [obligations] shall be paid from that portion of the tax levied for building purposes. *And, provided, further*, that no election or petition shall be necessary to authorize the levy of a tax for the ordinary repair and improvement of school buildings or grounds or for the payment of any special tax or special assessment levied upon such property.

APPROVED May 20, 1907.

ATTENDANCE REGULATED.

§ 1. Amends sections 1, 4 and 5, Act of 1897.

§ 1. Period of annual attendance—who excepted.

§ 4. Penalty for making false statement.

§ 5. Fines—how recovered—use of.

(SENATE BILL NO. 237. APPROVED MAY 25, 1907.)

AN ACT to amend sections 1 and 4 and 5 of an Act entitled, "*An Act to promote attendance of children in schools and to prevent truancy*," approved June 11, 1897, as amended by an Act approved May 13, 1903, in force July 1, 1903.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1, 4 and 5 of an Act entitled, "*An Act to promote attendance of children in schools and to prevent truancy*," approved June 11, 1897, as amended by an Act approved May 13, 1903, in force July 1, 1903, is hereby amended so as to read as follows:

Section I. Every person having control of any child between the ages of seven (7) and sixteen (16) years, shall annually cause such child to attend some public or private school for the entire time during which the school attended is in session, which period shall not be less than one hundred and ten (110) days of actual teaching: *Provided*, that this Act shall not apply in any case where the child has been or is being instructed for a like period of time in each and every year in the elementary branches of education by a person or persons

competent to give such instruction, or where the child's physical or mental condition renders his or her attendance impractical or inexpedient, or where the child is excused for temporary absence for cause by the principal or teacher of the school which said child attends, or where the child is between the ages of fourteen (14) and sixteen (16) years and is necessarily and lawfully employed during the hours when the public school is in session.

§ 4. Any person having control of a child, who, with intent to evade the provisions of this Act, shall make a false statement concerning the age or the employment of such child or the time such child has attended school, shall for such offense forfeit a sum of not less than three dollars (\$3.00) nor more than twenty dollars (\$20.00) for the use of the public schools of such city, town, village or district.

§ 5. Any fine, forfeiture or penalty mentioned in this Act may be imposed by any court of record, or justice of the peace of the proper county, and any fine, forfeiture or penalty mentioned in this Act may be recovered in the name of the People of the State of Illinois for the use of the public schools of the city, town, village or district in which said child resides.

APPROVED May 25, 1907.

COUNTY SUPERINTENDENT—DISTRIBUTION OF FUNDS.

§ 1. Amends section 21, article 2, Act of 1889.

§ 21. Apportionment and distribution of principal, interest and profits on public funds.

(HOUSE BILL NO. 860. APPROVED MAY 17, 1907.)

AN ACT to amend section 21, article 2, of "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 21, article 2, of "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889, be, and the same is hereby amended so as to read as follows:

§ 21. The county superintendent of schools shall apportion and distribute, under rules and regulations prescribed by the Superintendent of Public Instruction, the principal of the county fund to the townships and parts of townships in his county, according to the number of persons under 21 years of age returned to him. The principal of the county fund so distributed shall be added to the principal of the township fund of the townships and parts of townships in his county. The interest, rents, issues and profits, arising and accruing from the principal of the county fund shall be distributed to the townships and parts of townships in his county as required by the provisions of this Act.

APPROVED May 17, 1907.

EASTERN STATE NORMAL SCHOOL—POWERS.

§ 1. Amends section 12, Act of 1895.

§ 12. Powers of board of trustees—diplomas—professional degrees.

(SENATE BILL NO. 452. APPROVED JUNE 1, 1907.)

AN ACT to amend section 12 of an Act entitled, "An Act to establish and maintain the Eastern Illinois State Normal School," approved May 22, 1895, in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 12 of an Act entitled, "An Act to establish and maintain the Eastern Illinois State Normal School," approved May 22, 1895, in force July 1, 1895, be amended so as to read as follows:

§ 12. The said board of trustees shall appoint instructors, together with such other officers as may be required in the said normal schools [school], fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause after having given ten days' notice of any charge which may be duly presented, and reasonable opportunity of defense. They shall also prescribe the text-books, apparatus and furniture to be used in the school and provide the same, and shall make all regulations necessary for this management. And the said board shall have the further power, on recommendation of the faculty of said Eastern Illinois State Normal School, to issue diplomas to such persons as shall have satisfactorily completed the required studies, and to confer such professional degrees as are usually conferred by other institutions of like character for similar or equivalent courses of study.

APPROVED JUNE 1, 1907.

EMINENT DOMAIN.

§ 1. School authorities may exercise right of eminent domain.

(SENATE BILL NO. 550. APPROVED MAY 24, 1907.)

AN ACT enabling trustees, boards of education, and other corporate authorities of universities, colleges, township high schools, and all other educational institutions established and supported by this State, or by a township, to exercise the right of eminent domain.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any lot or parcel of land shall be needed as a site for a building to be erected for any university, college, township high school, or other educational institution, established and supported by this State or by a township therein, and compensation for such lot or parcel of ground cannot be agreed upon between the owner or owners thereof and the trustees, board of education or other corporate authority of such university, college, township high school, or other educational institution so needing such lot or parcel of land for such site, then such trustees, board of education or other corporate authority of such university, college, township

high school or other educational institution shall have the power and it shall be their duty to proceed to have such compensation determined in the matter which may be at the time provided by law for the exercise of the right of eminent domain.

APPROVED May 24, 1907.

HIGH SCHOOL PRIVILEGES FOR GRADUATES OF EIGHTH GRADE.

§ 1. Admission—consent of board—tuition—selection of high school.

(HOUSE BILL NO. 857. APPROVED MAY 25, 1907.)

AN ACT to provide free high school privileges for graduates of the eighth grade.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the graduates of the eighth grade in any school district in this State, in which no high school is maintained, shall, upon the payment of tuition, be admitted to the high school of any district in the county in which such pupils reside, or in any adjoining county by and with the consent of the school board of such district where such high school is located. The tuition in cases where the parent or guardian of such pupil is unable to pay tuition, the same shall be paid by the school board of the district in which such pupils reside, from the funds of the district. But the tuition in no case shall exceed the *per capita* cost of maintaining the high school selected. The parent or guardian, with the approval of the school board of the home district and the consent of the school board of the district in which the high school is situated, shall be authorized to select the high school to be attended by such pupils: *Provided, however,* that the high school selected shall offer a program of studies extending through four school years: *And, provided, further,* that the application of this Act shall not relate to districts that offer work in the ninth and tenth grades, except to pupils that have completed the work in such grades.

APPROVED May 25, 1907.

NORMAL SCHOLARSHIPS FOR GRADUATES OF EIGHTH GRADE.

§ 1. Amends section 3, Act of 1905.

§ 2. Emergency.

§ 3. When examinations shall be held.

(HOUSE BILL NO. 332. APPROVED APRIL 19, 1907.)

AN ACT to amend section 3 of an Act entitled, "An Act to provide for scholarships for graduates of the eighth grade," approved May 12, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 3 of an Act entitled, "An Act to provide for scholarships for graduates of the eighth

grade," approved May 12, 1905, be, and the same is hereby amended so as to read as follows:

§ 3. All examinations shall be held on any Saturday between the first day of March and the fifteenth day of May in each year, according to rules and regulations prescribed by the Superintendent of Public Instruction, and the pupil found to possess the highest qualifications shall be entitled to such scholarship: *Provided, however,* that such pupil shall be a resident of the township in which such examination is held: *And, provided, further,* that where no application is received from any township, the county superintendent of schools shall assign the pupil found to possess the next highest qualifications to that township.

§ 2. WHEREAS, An emergency exists, therefore this Act shall take effect and be in force from after its passage.

APPROVED April 19, 1907.

NORTHERN STATE NORMAL SCHOOL—POWERS.

§ 1. Amends section 12, Act of 1895.

§ 12. Powers of board of trustees—diplomas—professional degrees.

(SENATE BILL NO. 454. APPROVED JUNE 1, 1907.)

AN ACT to amend section 12 of an Act entitled, "An Act to establish and to maintain the Northern Illinois State Normal School," approved May 22, 1895, in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 12 of an Act entitled, "An Act to establish and to maintain the Northern Illinois State Normal School," approved May 22, 1895, in force July 1, 1895, be amended so as to read as follows:

§ 12. The said board of trustees shall appoint instructors, together with such other officers as may be required in the said normal school, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause after having given ten days' notice of any charge which may be duly presented, and reasonable opportunity for defense. They shall also prescribe the text-books, apparatus and furniture to be used in the school and provide the same, and shall make all regulations necessary for this management. And the said board shall have the further power, on recommendation of the faculty of said Northern Illinois State Normal School, to issue diplomas to such persons as shall have satisfactorily completed the required studies, and to confer such professional degrees as are usually conferred by other institutions of like character for similar or equivalent courses of study.

APPROVED June 1, 1907.

SCHOOL DISTRICTS UNDER SPECIAL CHARTERS—ELECTIONS.

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| <p>§ 1. Election may be held at the time fixed under the general school law.</p> <p>§ 2. Applies to board of school inspectors of Peoria and other boards in the State.</p> | <p>§ 3. Emergency.</p> |
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(SENATE BILL NO. 318. FILED APRIL 8, 1907.)

AN ACT to enable school districts acting under special charters to hold elections for the election of school directors, members of boards of education, and members of boards of school inspectors, at the time provided for the election of school directors under the general school law of the State.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases, where the time for the election of members of boards of directors, boards of education and boards of school inspectors, is fixed by virtue of any special charter, such election may be held at the time now provided, or which may hereafter be provided, for the election of school directors under the general school laws of this State now or hereafter in force.

§ 2. The provisions of this Act shall apply to the Board of School Inspectors of the city of Peoria, and to all other boards of directors, boards of education, and boards of school inspectors, existing under and by virtue of any special school charter heretofore granted by the State of Illinois.

§ 3. WHEREAS, An emergency exists, this Act shall be in force from and after its passage.

FILED April 8, 1907.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.

Witness my hand this 8th day of April, A. D. 1907.

JAMES A. ROSE,
Secretary of State.

SCHOOL INSPECTORS IN CERTAIN DISTRICTS—ELECTIONS.

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| <p>§ 1. Election of inspectors in districts under special acts.</p> <p>§ 2. Powers of board.</p> <p>§ 3. Annual tax levy—school fund.</p> | <p>§ 4. Title to and control of property.</p> <p>§ 5. Changing boundaries of districts.</p> <p>§ 6. Repeal.</p> |
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(HOUSE BILL NO. 394. APPROVED MAY 25, 1907.)

AN ACT to provide for the election of boards of school inspectors in certain cases, to define the powers and to regulate the revenue thereof, to vest the title to certain school property and to repeal certain Acts herein named.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in every city in this State whose schools have been operating under the provisions of special Acts and are governed by a board of school inspectors, and where such city, together with territory added thereto for school purposes, includes two districts for the purpose of electing six inspectors (three in each district) and one district for all other school purposes, there shall continue to be elected a board of school inspectors, consisting of six

members (three in each district) and one inspector at large, who shall be chosen for a term of three years.

§ 2. Such board of inspectors, when elected and qualified, shall have power, in addition to the powers conferred upon it by special law and the general school law, to employ teachers, janitors and such other employes as the board of inspectors shall deem necessary and to fix the amount of their compensation; to buy or lease sites for school houses, with the necessary grounds; to build, erect, lease or purchase buildings suitable for school purposes; to repair and improve school buildings and to furnish them with the necessary supplies, fixtures, apparatus, libraries and fuel: and such board of inspectors shall have full power, and it shall be the duty of such board of inspectors to take the entire supervision and control of the schools of such district.

§ 3. The board of school inspectors shall have the power to levy a tax, annually, upon all of the taxable property of such district, in the manner provided by Article 8 of the general school law, for the purpose of maintaining free schools, in accordance with the powers conferred by section 2 of this Act. All moneys raised by taxation for school purposes, or received from the State common school fund, or any other source, or now held or hereafter collected for school purposes, shall be paid to and held by the township treasurer as a special fund for school purposes, subject to the order of the board of school inspectors, upon warrants signed by the president and secretary thereof, or a majority of said board.

§ 4. The title, care and custody of all school houses and school sites belonging to such districts shall be vested in the trustees of schools of the townships in which such districts are situated: *Provided, however*, that the supervision and control of such school houses and school sites shall be vested in the board of inspectors of such districts.

§ 5. The trustees of schools of townships in which such districts are situated are hereby vested with the power to alter or change the boundaries of such school districts when petitioned as provided for by the general school law.

§ 6. "An Act extending the powers of boards of school inspectors elected under special Acts," approved June 19, 1893, as amended by an Act approved June 11, 1897, and "An Act increasing the number of school inspectors elected under special Acts from six to seven members," approved March 6, 1895, "An Act to provide for the election of boards of inspectors in certain cases," approved May 12, 1905, and all other Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

APPROVED May 25, 1907.

SOUTHERN NORMAL UNIVERSITY—POWERS.

§ 1. Amends section 12, Act of 1869.

§ 12. Powers of board of trustees—diplomas—professional degrees.

(SENATE BILL NO. 455. APPROVED JUNE 1, 1907.)

AN ACT to amend section 12 of an Act entitled, "*An Act to establish and maintain the Southern Illinois Normal University*," approved March 9, 1869, in force March 9, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 12 of an Act entitled "*An Act to establish and maintain the Southern Illinois Normal University*," approved March 9, 1869, in force March 9, 1869, be amended so as to read as follows:

§ 12. The said board of trustees shall appoint instructors and instructresses, together with such other officers as may be required in said normal university, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper [cause], after having given ten days' notice of any charge which may be duly presented, and reasonable opportunity of defense. They shall also prescribe the text-books, apparatus and furniture to be used in the university and provide the same, and shall make all regulations necessary for its management. And the said board shall have the further power, on recommendation of the faculty of said Southern Illinois Normal University, to issue diplomas to such persons as shall have satisfactorily completed the required studies, and to confer such professional degrees as are usually conferred by other institutions of like character for similar or equivalent courses of study.

APPROVED June 1, 1907.

STATE NORMAL UNIVERSITY—POWERS.

§ 1. Amends section 6, Act of 1857.

§ 6. Powers of board of education—diplomas—professional degrees.

(SENATE BILL NO. 390. APPROVED JUNE 1, 1907.)

AN ACT to amend section six (6) of an Act entitled, "*An Act for the establishment and maintenance of a Normal University*," approved and in force February 18, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six (6) of an Act entitled "*An Act for the establishment and maintenance of a Normal University*," approved and in force February 18, 1857, be amended so as to read as follows:

§ 6. The board of education shall appoint a principal, lecturer on scientific subjects, instructors and instructresses, together with such other officers as shall be required in the said Normal University; fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause, after having

given ten days' notice of any change [charge], which may be duly presented, and reasonable opportunity of defense. They shall also prescribe the text books, apparatus and furniture to be used in the university, and provide the same; and shall make all regulations necessary for its management. And the said board shall have power to recognize auxiliary institutions when deemed practicable: *Provided*, that such auxiliary institutions shall not receive any appropriation from the treasury or the seminary or university fund. And the said board shall have the further power, on recommendation of the faculty of said Normal University, to issue diplomas to such persons as shall have satisfactorily completed the required studies, and to confer such professional degrees as are usually conferred by other institutions of like character for similar or equivalent courses of study.

APPROVED June 1, 1907.

TEACHERS' AND EMPLOYEES' PENSION FUND—INTEREST ON FUNDS.

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| § 1. Interest on school funds paid into city treasury. | § 2. Interest contributed to pension and retirement fund. |
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(HOUSE BILL NO. 842. APPROVED MAY 24, 1907.)

AN ACT to provide for the contribution from interest on public school funds to the public school teachers' and public school employes' pension and retirement funds in cities having a population exceeding 100,000 inhabitants.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That neither the treasurer nor any other officer, having the custody of public school funds of any city, having a population exceeding 100,000 inhabitants, shall be entitled to retain any interest accruing thereon or any part thereof, but such interest shall accrue and enure to the benefit of such school funds respectively, become a part thereof and be paid into the city treasury, subject to the purposes of this Act.

§ 2. The board of education of any such city, as to such funds raised by taxation, levied by such city for school purposes, whether the same be for educational purposes or for building purposes, shall annually set aside all interest so added to such funds and contribute the same to the public school teachers' and public school employes' pension and retirement funds now created or existing or such as may be hereafter created pursuant to any law. The amount of such interest so contributed, however, shall not exceed in any year 1% of the sums so levied for such purposes.

APPROVED May 24, 1907.

TEACHERS' PENSION FUND IN CITIES EXCEEDING 100,000.

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| <p>§ 1. How created.</p> <p>§ 2. Board of trustees—election—term—filling vacancies.</p> <p>§ 3. Powers and duties of trustees.</p> <p>§ 4. Fund defined.</p> <p>§ 5. Who entitled to benefit.</p> <p>§ 6. Withdrawals and renewals.</p> <p>§ 7. Who may exercise option.</p> <p>§ 8. Past service—contributions and interest.</p> <p>§ 9. Rules for retirement of teachers.</p> <p>§ 10. Amount of annuity—payable monthly.</p> <p>§ 11. Power of board over funds established under other acts—teachers heretofore retired to participate.</p> | <p>§ 12. Monthly certificate of deductions from salaries to city treasurer—special fund—how drawn.</p> <p>§ 13. Treasurer—custody of pension fund, books and accounts—inspection—bond.</p> <p>§ 14. Removal of teacher—investigation—when money paid back.</p> <p>§ 15. Teachers hereafter employed.</p> <p>§ 16. Money and property subject to control of board of trustees.</p> <p>§ 17. Pensions and annuities exempt from garnishment—assignments prohibited.</p> <p>§ 18. Repeal.</p> |
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(HOUSE BILL NO. 843. APPROVED MAY 24, 1907.)

AN ACT to provide for the formation and disbursement of a public school teachers' pension and retirement fund in cities having a population exceeding 100,000 inhabitants.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter in cities having a population exceeding 100,000 inhabitants, there shall be created, established and maintained, in the manner provided by this Act, a public school teachers' pension and retirement fund, under the management and control of a board of trustees, to be elected as hereinafter provided.

§ 2. There shall, in every city in this State having a population exceeding 100,000 inhabitants, be elected a board of trustees to have the administration and control of a public school teachers' pension and retirement fund, to be created and maintained in the manner provided by this Act. Such board of trustees shall consist of nine members, who shall each hold office until his successor is elected as herein provided. The secretary of the board of education of such city shall be *ex officio* a member of said board of trustees; in addition thereto there shall be elected annually at the first meeting of the board of education in the month of October of each year from said board two of its members to said board of trustees; and on the date of the first meeting of the said board of education held in October, A. D. 1907, there shall be elected six members to said board of trustees from the teachers' force employed in said city; two for the term of one year, two for the term of two years and two for the term of three years, and on the date of the first meeting of said board of education in the month of October of each year thereafter there shall in like manner be elected two members to said board of trustees, who shall hold their office for a term of three years. The election of the members of said board of trustees by the board of education shall be by a majority vote in such manner as they, the board of education, shall provide.

The election of the members to said board of trustees by the teaching force of such city shall be by ballot at an election held by the board of education, which shall conform as near as may be to the provisions of the law in relation to school elections, and each person being a member of the teaching force of such city, and a contributor to said pension and retirement fund shall be entitled to cast, at such election, one vote for each trustee to be elected. Elections to fill vacancies may be held and called by the board of education at the annual election: *Provided*, that the board of education may fill vacancies occurring in the membership of said board of trustees elected from said board of education at any regular meeting of the board of education.

§ 3. Said board of trustees shall have charge of and administration of the public school teachers' pension and retirement fund of such city, and shall have power to invest the same in such manner as it shall deem most beneficial to said fund, but in the same manner and subject to the same terms and conditions as township trustees are permitted to invest school funds under the laws now in force or such as shall hereafter be enacted and shall have power to make payments from said fund of pensions or annuities granted in pursuance of this Act; and shall from time to time make and establish such by-laws, rules and regulations for the administration of said fund, as they shall deem advisable and shall have power to employ such assistance and service as may, in their judgment, be necessary for the proper enforcement of the provisions of this Act and carrying into effect valid by-laws, rules and regulations enacted by them, and they shall have power to fill any vacancies occurring in said board of trustees of members elected from the teaching force of said city, until the next annual election, when said vacancies shall be filled as provided by this Act.

§ 4. The public school teachers' pension and retirement fund of such city shall consist of moneys paid into said fund by persons desiring the benefits thereof, under the provisions of this Act; of moneys received from donations, legacies, gifts, bequests or otherwise on account of said fund and of moneys paid into said fund in pursuance of any law now in force or hereafter to be enacted.

§ 5. Any person who shall be employed to teach in the public school of any such city, after this Act shall take effect, shall be entitled to the benefits of said fund upon complying with the provisions of this Act, and for the purposes of this Act such persons shall be divided into the following classes:

1. Those who have taught five years or less.
2. Those who have taught more than five years and not more than ten years.
3. Those who have taught more than ten years and not more than fifteen years.
4. Those who have taught more than fifteen years.

And after this Act shall take effect, there shall be set apart from the salaries of all persons hereafter entering for the first time the employ of the board of education of such cities \$5.00 per annum, while they remain in the first class; \$10.00 per annum while they remain in the

second class; \$15.00 per annum while they remain in the third class, and \$30.00 per annum while they remain in the fourth class, which amounts shall be deducted by the board of education in equal installments from their respective salaries at the regular times for the payment thereof, and be paid into and constitute a part of the public school teachers' pension and retirement fund of such city.

§ 6. All persons who have heretofore been contributors to a public school teachers' pension and retirement fund of cities having a population exceeding 100,000 inhabitants, under any law now in force but who have withdrawn from such participation, may, if the [they] shall exercise the option within six months from the time this Act shall become effective renew their right to participation in a fund to be created in said city under the provisions of this Act, by paying into said fund the full amount of any moneys they may have withdrawn from such previous fund and the full amount they would have contributed had they not withdrawn therefrom together with interest thereon at the rate of 4 per cent per annum from the time such moneys were withdrawn and from the time such payments would have become due to the date of their acceptance of the provisions of this section; and thereafter such persons shall contribute to said fund upon the same terms as teachers who shall hereafter be employed and become contributors to and beneficiaries of said fund.

§ 7. All teachers who are now in the service of the board of education of any such city, other than those described in the previous section, may, if they shall exercise the option within six months from the time this Act becomes effective become contributors to and beneficiaries of the public school teachers' pension and retirement fund created under the provisions of this Act, upon the same terms as teachers who shall hereafter be employed and become contributors to and beneficiaries of said fund under section 6 of this Act.

§ 8. Those teachers in the employ or hereafter to be employed by the board of education of any such city, who shall become contributors to and beneficiaries of a public school teachers' pension and retirement fund, under any provisions of this Act, may count past service as a part of the period of twenty-five years hereinafter specified, by paying into said fund a sum equal to that which he or she would have contributed under the provisions of this Act, had he or she been a regular contributor to said fund, during said period of past service, together with interest thereon at the rate of 4 per centum per annum from the time such payments would have been made to the time such person shall by making such payment become entitled to the benefit of such past service.

§ 9. Such board of trustees shall have the power and it shall be its duty to pass a resolution declaring the maturity of service and right to the immediate benefits of said fund in favor of persons entitled to the benefits thereof in the following cases:

1. When any such persons shall have taught in the public schools or rendered service therein for a period of twenty-five years within the meaning of this Act.

2. When any contributor to the said fund shall have taught fifteen years in the public schools within the meaning of this Act and shall by three competent physicians, who have made a physical examination of the teacher, at the request of a majority of such board of trustees, have been declared to be suffering from a permanent disability: *Provided*, that neither said board of trustees nor said board of education shall declare any contributor entitled to the immediate benefits of said fund until he or she shall have taught in the public schools of such city three-fifths of the term of service of twenty-five or fifteen years as the case may be; and no person shall be entitled to the benefits of said fund until he or she shall have retired from service as a teacher in said city.

§ 10. Each teacher so retired or retiring after twenty-five years of service shall thereafter be entitled to receive an annuity of \$400.00 and each teacher so retired because of permanent disability after fifteen years of service shall receive as an annual pension such proportion of the full annuity of \$400.00 as the sum contributed by such teacher so retired bears to the total contribution required for a full annuity. Said pensions and annuities shall be paid monthly during the school year by said board of trustees out of the fund created in accordance with the provisions of this Act in the manner provided by law for the payment of teachers' salaries.

§ 11. The board of trustees in any such city, created by the provisions of this Act, shall succeed to the administration of any like fund established under any law now in force in this State and such board is hereby given the power to use both the principal and income of all funds for the payment of the pensions or annuities in this Act provided for, and shall have the power to reduce from time to time all pensions and annuities, provided such reduction shall be at the same rate on all classes and be rendered necessary by the condition of said fund. Any public school teacher who has heretofore retired from service and is entitled to a pension or annuity from a like fund created under any law now in force to the administration of which such board of trustees has succeeded, or is a recipient of a pension or annuity thereunder, shall henceforth be entitled to participate in right of the present law on the same basis as members of the teaching force contributing to said pension and retirement fund, and to receive a graduating pension ranging from four-fifths to five-fifths of pensions paid under the provisions of this Act, dependent upon time of service, and \$30.00 per annum shall be withheld from such pensioner or annuitant as his or her additional contribution to said pension and retirement fund until he or she shall have paid the aggregate contribution of \$450.00, provided this clause shall not be operative until pensions shall be payable under the provisions of this Act.

§ 12. The president and the secretary of said board of education shall certify monthly to the city treasurer all amounts deducted from the salaries of teachers, special teachers, principals and superintendents of the board of education in accordance with the provisions of this Act, which amounts, as well as all other moneys contributed to said

fund, shall be set apart and held by said treasurer as a special fund for the purposes hereinbefore specified, subject to the order of said board of trustees herein created, and shall be paid out upon warrants signed by the president and secretary of said board of education, and countersigned by the president of the said board of trustees.

§ 13. The city treasurer *ex officio* shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of said board of trustees and shall keep his books and accounts concerning such fund in such manner as may be prescribed by said board, and said books and accounts shall always be subject to the inspection of said board or any member thereof. Said city treasurer shall be liable on his official bond for the proper performance of his duties and the conservation of the fund created by this Act. Any legal proceedings which may be necessary for the enforcement of the provisions of this Act, shall be brought by and in the name of the board of education for the use of the board of trustees of the public school teachers' pension fund.

§ 14. No teacher who has been, or who shall have been, elected by said board of education, shall be removed or discharged, except for cause, upon written charges, which shall upon said teacher's written request, be investigated and determined by said board of education, whose action and decision in the matter shall be final. If at any time a teacher who is willing to continue is not re-employed or is discharged before the time when he or she would, under the provisions of this Act, be entitled to a pension, then such teacher shall be paid back at once the money he or she may have contributed under this law. Any teacher who shall retire voluntarily from the service, prior to entering the aforesaid fourth class, shall receive a refund of one-half of the money he or she shall have contributed under this law.

§ 15. All persons who shall hereafter be employed for the first time as teachers by the board of education of any such city shall by such employment accept the provisions of this Act and thereupon become contributors to said pension fund in accordance with the terms hereof. And the provisions of this Act shall become a part of and enter into any such contract of employment.

§ 16. The money and property now in any such pension fund in any such city, under any law now in force in this State, shall be subject to the control of a board of trustees to be elected under the provisions of this Act.

§ 17. All pensions or annuities granted under the provisions of this Act and every portion thereof shall be exempt from attachment or garnishment process and shall not be seized, taken, subjected to, detained or levied upon by virtue of any execution, or any process or proceedings whatsoever issued out of or by any court of this State for the payment or satisfaction in whole or in part of any debt, claim, damage, demand or judgment against any pensioner hereunder, and no annuitant or pensioner shall have the right to transfer or assign his or her pension or annuity or any part thereof either by way or mortgage or otherwise.

§ 18. This Act is intended to succeed and take the place of all previous Acts on the subject of public school teachers' pension and retirement fund in cities having a population exceeding 100,000 inhabitants. And all Acts and parts of Acts in conflict herewith are hereby repealed.

APPROVED May 24, 1907.

TOWNSHIP HIGH SCHOOL—ANNEXATION OF TERRITORY.

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| <p>§ 1. Petition—time of election—form of notice, etc., in township not having high school.</p> <p>§ 2. Who shall vote—judges and clerks.</p> <p>§ 3. Petition—time of election—form of notice, etc., in township having high school.</p> | <p>§ 4. Special election may be called.</p> <p>§ 5. Result of election—levy and collection of taxes.</p> <p>§ 6. Manner of voting—canvass of return—certificate to county clerk.</p> <p>§ 7. Emergency.</p> |
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(HOUSE BILL NO. 285. APPROVED APRIL 22, 1907.)

AN ACT to provide for the annexation for township high school purposes, of any school township, or part of such township, not having an established township high school, to any adjacent school township having an established township high school.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That upon petition of not less than five per cent of the voters of any school township not having an established township high school, which township adjoins any other school township having an established township high school, or upon petition of not less than five per cent of the voters of any specified territory within such school township not having such high school, filed with the township treasurer of schools at least fifteen days preceding the regular election of trustees of schools in said township, and upon petition of five per cent of the legal voters of the township having an established township high school, filed with the township treasurer of schools of such township, at least fifteen days preceding the regular election of trustees in such township, it shall be the duty of the treasurer of the township not having a township high school to notify the voters of such townships, or, where the petition is for the annexation of a part of said township, to notify the voters of said part of said township that an election "For" or "Against" annexing said school township, or part of the township, as the case may be, will be held at the next regular election of trustees of schools of said township, by posting notices of such election in at least ten of the most public places throughout such township, or part of the township, as the case may be, at least ten days before the date of such regular election, which notices may be in the following form:

HIGH SCHOOL ANNEXATION ELECTION.

Notice is hereby given that on Saturday, the.....day of April, A. D..... an election will be held at..... for the purpose of voting "For" or "Against" the proposition to annex for township high school purposes

the following territory, to-wit: (Here insert the number and range of the township where the whole of the township is to be annexed, or where part of the township is to be annexed insert the said part of said township), to Township Number....., Range Number..... (township having an established high school)

The polls of said election will open at.....o'clock and close at.....o'clock of said day.

A. B.

Treasurer.

§ 2. Where less than the whole of the township is to be annexed, only the voters in said territory in said township so to be annexed shall have the right to vote thereon in said township, and the trustees of schools of such township shall furnish and provide at said election a voting place for said territory, and shall provide for the judges and clerk of such election at said place.

§ 3. It shall also be the duty of the treasurer of the township having an established high school to notify the voters of said township that an election "For" or "Against" annexing township (naming the same), or part of the township (naming the same), as the case may be, will be held at the next regular election of trustees, by posting notices of such election in at least ten of the most public places throughout such township, for at least ten days before the date of such regular election, which notices may be in the following form:

HIGH SCHOOL ANNEXATION ELECTION.

Notice is hereby given that on Saturday, the.....day of April, A. D....., an election will be held at.....for the purpose of voting "For" or "Against" the proposition to annex for township high school purposes the following territory, to-wit: (Here insert the number and range of the township where the whole of the township is to be annexed, or where part of the township is to be annexed insert the said part of said township), to Township Number....., Range Number..... (township having an established high school).

The polls of said election will be open at.....o'clock and close at.....o'clock of said day.

C. D.

Treasurer.

§ 4. If the petitioners' petitions referred to in section 1 of this Act request the township treasurers, respectively, to submit said question at a special election, then it shall be the duty of said township treasurers to call said respective elections as provided in the foregoing sections, for some day and hour not exceeding thirty days from the date of the filing of said petition; and to give at least ten days' notice of said election, in which event the polls of said election shall be open for at least four consecutive hours, and the polling places in said respective townships shall be designated and fixed by said treasurers, respectively: *Provided*, that there shall be at least two polling places in each of the townships.

§ 5. If a majority of the voters voting on said proposition in the township having an established high school, and also if a majority of the voters voting on said proposition in said township desiring to be annexed, or where part of the township is to be annexed, a majority of the voters voting in said territory on said proposition, shall vote in favor thereof, then said township or territory, as the case may be, shall be and become so annexed, and the property in said township or territory, as the case may be, shall thereafter be subject to taxation for the support and maintenance of said township high school, including the payment of any bonded indebtedness of said township high school, and interest thereon, thereafter falling due, after such annexation, as fully and to the same extent as is now, or may hereafter be provided by law for the levying of taxes upon property for the support and maintenance of township high schools. The taxes collected from said township or territory annexed for the support and maintenance of a township high school shall be paid by the officer collecting the same to the township treasurer of the township having the established high school.

§ 6. Said election shall be held in the manner now or hereafter provided by law for the holding of elections for township trustees of schools, and the ballots of such election shall be received and canvassed, and the returns thereof made as in other school elections: *Provided, however,* that if said election shall be carried as provided by this Act, it shall be the duty of the township treasurer of the township which is annexed, or part thereof, as the case may be, to file a certificate with the county clerk of the county in which said township is located, or if said township is situated in more than one county, with the respective clerks of said counties, certifying to the territory so annexed, giving a description thereof.

§ 7. WHEREAS, There are certain school townships in the State where the voters thereof are desirous of voting upon the matters in this Act set forth, at the next regular election for trustees, therefore an emergency exists, and this Act shall be and become in force from and after its passage.

APPROVED April 22, 1907.

STATE BOARD OF HEALTH.

POWERS—PENALTIES—PROSECUTIONS.

§ 1. Amends sections 2 and 7, Act of 1877.

§ 7. Penalties—how disposed of.

§ 2. Quarantine—transportation of dead—investigation of contagious diseases—suppression—failure of local board to act—bacteriological laboratory.

(HOUSE BILL NO. 468. FILED MAY 18, 1907.)

AN ACT to amend sections two and seven of an Act entitled, "An Act to create and establish a Board of Health in the State of Illinois," approved May 28, 1877, in force July 1, 1877.

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections two and seven of an Act entitled, "An Act to create and establish a Board of Health in the State of Illinois," approved May 28, 1877, in force July 1, 1877, are hereby amended to read as follows:

§ 2. The State Board of Health shall have the general supervision of the interests of the health and lives of the people of the State. They shall have supreme authority in matters of quarantine, and may declare and enforce quarantine when none exists, and may modify or relax quarantine when it has been established. The board shall have authority to make such rules and regulations and such sanitary investigations as they may from time to time deem necessary for the preservation and improvement of the public health, and they are empowered to regulate the transportation of the remains of deceased persons. It shall be the duty of all local boards of health, health authorities and officers, police officers, sheriffs, constables and all other officers and employes of the State or any county, village, city or township thereof, to enforce the rules and regulations that may be adopted by the State Board of Health.

It shall be the duty of the State Board of Health to investigate into the cause of dangerously contagious or infectious diseases, especially when existing in epidemic form, and to take means to restrict and suppress the same, and whenever any dangerously contagious or infectious disease shall become, or threaten to become epidemic, in any village or city, and the local board of health or local authorities shall neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities shall neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the State Board of Health or their secretary, as their executive officer, when the board is not in session, may enforce such measures as the said board

or their executive officer may deem necessary to protect the public health, and all necessary expenses so incurred shall be paid by the city or village for which services are rendered.

The State Board of Health may establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies, and for the diagnosis of diphtheria, typhoid fever, tuberculosis, malarial fever and such other diseases as they may deem necessary for the protection of the public health.

§ 7. Any person who violates or refuses to obey any rule or regulation of said State Board of Health shall be liable to a fine not to exceed \$200.00 for each offense or imprisonment in the county jail not exceed [exceeding] six months, or both, in the discretion of the court. All prosecutions and proceedings instituted by the State Board of Health for violation of their rules and regulations shall be instituted by the board or by their executive officer, and it shall be the duty of the State's attorney in each county to prosecute all persons in his county violating or refusing to obey the rules and regulations of the State Board of Health. All fines or judgments collected or received shall be paid over to the State Treasurer and credited to the fund created for the support of the State Board of Health.

FILED May 18, 1907.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.
Witness my hand this 18th day of May, A. D. 1907.

JAMES A. ROSE,
Secretary of State.

STATE ENTOMOLOGIST.

SAN JOSE SCALE AND OTHER DANGEROUS INSECTS.

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| § 1. Duties of State entomologist—certificate of inspection—precautions—shipping nursery stock—official inspectors. | § 4. Application for inspection. |
| § 2. Inspection of nurseries and orchards—free access—cost of treatment, etc. | § 5. Penalties—prosecutions. |
| § 3. Shipping trees, shrubs, etc.—certificate of inspector. | § 6. Office and laboratory of State entomologist. |
| | § 7. Repeal. |

(SENATE BILL NO. 168. FILED JUNE 4, 1907.)

AN ACT to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits, and repealing a certain Act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the State Entomologist of Illinois to inspect, or cause to be inspected by his duly appointed assistants, at least once each year between July 1 and September 15, all nurseries and nursery premises in the State of Illinois, as to whether they are infested by dangerous insects or infected by dangerous plant diseases. If upon the inspection of any nursery as above provided it shall appear that said nursery and its premises are free from dangerous insects and dangerous plant dis-

eases, it shall be the duty of the State Entomologist upon payment of the expenses of inspection, and certified by him to give or to send to the owner of said nursery, or to the person in charge of the same, not later than October first, a certificate of inspection stating that said nursery and premises are apparently free from such insects and diseases, and such certificate shall be valid, unless revoked for cause as hereinafter provided, for one year from the date of inspection, and no longer.

The provisions of this section shall not apply to florists' greenhouse plants nor to flowers or cuttings commonly known as greenhouse stock, and no certificate shall be required for the shipment of native stock collected in the United States and not grown in nurseries.

If the State Entomologist shall find that part of a nursery is infested with dangerous insects or infected by contagious plant diseases and that the remainder of it is not so infested or infected, or if he shall have reason to believe that a nursery is liable, by reason of its proximity to infested or infected premises, to become so infested or infected before the next annual inspection, he may prescribe in writing such measures of precaution, or may make in writing such conditions as to the use of his certificate, as may in his judgment be necessary, and he may withhold his certificate until such conditions have been accepted in writing by the owner of said nursery; and the use of such certificate without taking such measures of precaution or observing such conditions shall subject the owner of said nursery to the penalties prescribed in section 5 for a violation of this Act.

Whenever any nurseryman or seller of trees, shrubs, vines, plants, buds, or cuttings commonly known as nursery stock, shall ship or deliver any such stock he shall place and send on each car, box, bale, bundle, package, or piece, a true copy of a valid certificate of inspection, signed by the State Entomologist of Illinois, or by another inspector duly approved by him, showing that the said stock has been carefully inspected and found apparently free from any dangerous insects or dangerous plant disease. Any person who shall deliver, ship, or consign for shipment nursery stock without such certificate attached, or who shall use such certificate in connection with nursery stock any and every part of which has not been inspected and certified as aforesaid, or who shall alter or deface such certificate, or who shall use an imperfect copy of such certificate, shall be liable to the penalties prescribed in section 5 for a violation of this Act.

If the State Entomologist shall find that his certificate of inspection has been used in violation of law, he shall have power to revoke and annul said certificate by written notice to the holder thereof, and such notice shall take effect forthwith, and the use of said certificate after it has been revoked and annulled, and before such revocation has been withdrawn by the State Entomologist, shall subject the holder of said certificate to the penalties provided in section 5 for a violation of this Act.

It shall be the privilege of the nurseryman to ship, under the certificate issued to him, nursery stock grown for him elsewhere or purchased by him from other states or countries: *Provided*, that all such stock be received under a certificate satisfactory to the State Entomologist.

mologist stating that it has been inspected where grown and found to be apparently free from dangerous insects and dangerous plant diseases. The State Entomologist shall send, once each year not later than July 1, to all nurserymen in the State known to him, a list of official inspectors of other states and foreign countries whose inspection certificates may be accepted in this State, for one year from the date thereof, as equivalent to his own certificate.

Every agent for a nursery outside of Illinois and every dealer not engaged in growing trees, shrubs, plants, or vines, in this State, for sale, who sells or delivers such stock in this State, shall, before delivering the same, place on file in the office of the State Entomologist a statement made under oath before an officer qualified to administer oaths in the locality where he may reside, or, if a non-resident of the State, in the locality where said stock is sold or delivered, that the said stock has been duly inspected and was received by him accompanied with a valid official certificate of inspection or fumigation, a copy of which certificate shall be filed by him with said statement for the approval of the State Entomologist. Upon receipt of said statement and copy of the certificate of inspection the Entomologist shall report to the sender his approval or disapproval of said certificate. If disapproved he shall inspect, or cause to be inspected, the nursery stock to which the said statement applies, and if he shall find said nursery stock to be apparently free from dangerous insects and dangerous plant diseases he shall give or send to the owner thereof, upon payment of the expenses of the inspection, a certificate to that effect, and the delivery of such stock without an accompanying certificate of inspection issued by the State Entomologist or approved by him shall subject the agent, dealer, or other person selling or delivering the same to the penalties prescribed in section 5 for a violation of this Act.

§ 2. If the State Entomologist shall have reason to suppose that any nursery, orchard, fruit plantation, or other property or place in this State, is infested by dangerous insects or infected with contagious plant disease, he shall have power to inspect or to cause to be inspected from time to time, such nursery, orchard, fruit plantation, or other property, and for the purposes of such inspection he and his assistants are authorized, during reasonable business hours, to enter into or upon any farm, orchard, nursery, garden, storehouse, or other building or place used for the growing, storage, packing or sale of trees, plants or fruits; and if the State Entomologist shall find by inspection as aforesaid that any nursery, orchard, or garden or other property or place is infested by the San Jose scale or other dangerous insect, or infected with contagious plant diseases, liable to spread or to be conveyed to other premises to the serious injury of the property thereon, he shall notify in writing the owner or the person in charge of such infested or infected property by mailing a notice to him, properly stamped and addressed to his usual postoffice address, and shall direct him within a time and in a manner prescribed in such notice to use such measures as shall prevent the conveyance or spread of such insects or disease to the property of others, and such infested or infected property shall not be removed after the owner or person in

charge of the same shall have been notified in writing as aforesaid, without the written permission of the entomologist. If the person so notified shall refuse or neglect to treat or disinfect said premises or property in the manner and within the time prescribed in said notice, the State Entomologist shall cause said property or premises to be so treated, and he shall certify to the owner or person in charge of the premises the amount of the cost of the treatment, and if not paid to him within sixty days thereafter he shall certify the amount to the county auditor, who shall spread the same upon the tax books to be collected as other taxes are, and turned over to the entomologist to become a part of the fund for carrying this Act into effect.

§ 3. Whenever any trees, shrubs, plants or vines are shipped from place to place in this State, or shipped into this State from another state, country, or province, every car, box, bale, bundle, package or piece thereof shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, and a certificate signed by a State or government inspector showing that the contents have been inspected by such inspector or by his authority since the first day of July last preceding, and that the trees, vines, shrubs and plants, there present and therein contained, appear free from all dangerous insects and diseases. Whenever any trees, shrubs, vines or plants are shipped as above without such certificate plainly fixed on the outside of the package, box or car containing the same, the facts must be reported within twenty-four hours to the State Entomologist by the railway, express or steamboat company, or other person or persons carrying the same, and it shall be unlawful to deliver any such property until it has been inspected by the State Entomologist or his assistants and by him or them certified to be free from dangerous insects or contagious diseases. Any agent of any railway, steamboat, or express company, or other person or persons carrying such property as aforesaid, who shall fail to give such notice as above required shall be deemed guilty of a violation of this Act.

Whenever nursery stock is shipped into this State accompanied by a valid certificate signed by a State or government inspector, such certificate shall be held *prima facie* evidence of the facts therein stated; but the State Entomologist, by himself or his assistants, when they have reason to believe that any such stock may be infested with dangerous insects or infected with contagious diseases shall be authorized to inspect the same and subject it to like treatment as provided in section 2 of this Act.

§ 4. Any owner of an orchard or other fruit plantation in bearing condition may apply to the State Entomologist for an inspection of the same with reference to the presence of the San Jose scale or other dangerous insects or plant diseases liable to prevent the sale or lessen the value of his fruits, agreeing in his application to pay in full the expenses of the inspection, and upon receipt of such application and agreement, or as soon thereafter as may be conveniently practicable, the State Entomologist shall comply with such request, and upon receipt of the expenses of the inspection he shall issue to the applicant a certificate to the facts disclosed by the inspection.

§ 5. Any person who shall violate the provisions of this Act with reference to the sale, shipment, delivery or transportation of nursery stock, or with reference to the use, alteration or defacement of a certificate of inspection relating to the same, or who shall remove, without the written permission of the State Entomologist, infested or infected property concerning whose condition he has received official notice from the entomologist, or who shall offer any hindrance or resistance to the carrying out of this Act, shall be adjudged guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not less than ten dollars and not more than one hundred dollars for each and every offense, together with all costs of the procedure, and shall stand committed until the same is paid. It shall be the duty of the State Entomologist to furnish to the State's Attorney all information in his possession concerning violations of this Act, and the State's Attorney shall prosecute such violations of this Act, and amounts so recovered shall be paid into the treasury of the State.

§ 6. The office of the State Entomologist shall be established at the University of Illinois, the trustees of which shall provide for him and his assistants such office and laboratory rooms as may be necessary to the performance of their duties. He shall have power to appoint a chief inspector and such assistants as may be necessary to the execution of this Act, and to fix a reasonable compensation for their labors, and their acts, done in pursuance of his instructions, shall have the same validity as his own. He shall certify to the State Auditor the amount of his expenses and the amount of the salaries and expenses of the chief inspector and assistants employed under this Act, and the Auditor shall thereupon draw his warrant upon the State Treasurer for the amount, which shall be paid out of the funds provided for carrying this Act into effect. The State Entomologist shall make to the Governor a biennial report of his operations under this Act, together with a financial statement in detail, and he shall also make each year to the State Horticultural Society, at its annual meeting, a statement showing the Illinois nurseries inspected, the number and kinds of certificates issued, the location and ownership of the premises treated or disinfected by him or his assistants, and the kinds and amounts of property destroyed by him in pursuance of this Act.

§ 7. An Act entitled, "An Act to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits," approved and in force April 11, 1899, is hereby repealed.

FILED June 4, 1907.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.
Witness my hand this 4th day of June, A. D. 1907.

JAMES A. ROSE,
Secretary of State.

STATE FOOD COMMISSIONER.

REVISION OF DAIRY AND FOOD LAWS.

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| <p>§ 1. Provision for appointment of a State Food Commissioner, and the establishment of a State food department.</p> <p>§ 2. Power of commissioner and inspectors making inspection.</p> <p>§ 3. Refusal to assist inspector a misdemeanor.</p> <p>§ 4. Sealing and transmitting samples.</p> <p>§ 5. Manufacturing adulterated or misbranded food misdemeanor.</p> <p>§ 6. Possession misbranded or adulterated articles prohibited.</p> <p>§ 7. Term food defined.</p> <p>§ 8. Defines adulteration.</p> <p>§ 9. Misbranded defined.</p> <p>§ 10. Confiscation and condemnation of misbranded or adulterated foods.</p> <p>§ 11. Vinegar to be branded.</p> <p>§ 12. Extracts to be labeled.</p> <p>§ 13. Baking powder—how labeled.</p> <p>§ 14. Adulterated spirituous, malt or vinous liquors prohibited.</p> <p>§ 15. Mutilated label prohibited.</p> <p>§ 16. Sale of unclean or unwholesome milk for consumption and unsanitary containers prohibited.</p> <p>§ 17. Persons receiving milk to wash cans.</p> <p>§ 18. Not to manufacture food from impure or unclean milk or cream.</p> <p>§ 19. Sale of skim milk—cans—how labeled.</p> <p>§ 20. Instruments for measuring milk and cream standards.</p> <p>§ 21. Underreading Babcock test prohibited.</p> | <p>§ 22. Sale of preservatives prohibited.</p> <p>§ 23. Vehicles to be marked.</p> <p>§ 24. Illegal lard.</p> <p>§ 25. Lard substitute.</p> <p>§ 26. Persons selling imitation or substitute for lard to inform purchaser.</p> <p>§ 27. Sale of process butter not branded prohibited.</p> <p>§ 28. Process butter—how branded.</p> <p>§ 29. Illegal foods to be seized.</p> <p>§ 30. Search warrants to be issued for illegal food.</p> <p>§ 31. State's Attorney to assist.</p> <p>§ 32. State Board of Health to furnish samples.</p> <p>§ 33. State analysts shall not furnish certificate of purity.</p> <p>§ 34. Using shift or device.</p> <p>§ 35. Master's liability, etc.</p> <p>§ 36. Penalties, license fees and proceeds paid to State Treasurer.</p> <p>§ 37. Label—size of type.</p> <p>§ 38. Food Commissioner to make rules and regulations.</p> <p>§ 39. Standard of purity and strength.</p> <p>§ 40. Preliminary hearing by the commissioner.</p> <p>§ 41. Penalty.</p> <p>§ 42. Judgment—issuing <i>capias</i>.</p> <p>§ 43. Repeal.</p> |
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(HOUSE BILL NO. 844. APPROVED MAY 14, 1907.)

AN ACT to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties and to repeal all Acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith.

SECTION I. Be it enacted by the People of the State of Illinois, represented in the General Assembly:

PROVISION FOR APPOINTMENT OF A STATE FOOD COMMISSIONER, AND THE ESTABLISHMENT OF A STATE FOOD DEPARTMENT.] That the Governor shall appoint a commissioner who shall be known as the State Food Commissioner, who shall be a citizen of the State of Illinois, and who shall hold his office for the term of four years and until his successor is appointed and qualified, and who shall receive a salary of thirty hundred dollars per annum and his necessary expenses incurred by him in the discharge of his official duties, and who shall be charged with the enforcement of all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, sale and labeling of food as herein defined, and to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any article manufactured or sold in violation of the provisions of any such law or laws. The Governor shall also appoint from time to time as required, a food standard commission, for the purpose of determining and adopting standards of quality, purity or strength, for food products, for the State of Illinois, to consist of three members, one of whom shall be the State Food Commission[er] or his representative, who shall serve without extra pay; one of whom shall be a representative of the Illinois food manufacturing industries and one of whom shall be an expert food chemist of known reputation, all to be citizens of the State of Illinois, who shall receive fifteen dollars (\$15.00) per day for a period not exceeding thirty (30) days in one year, and necessary expenses incurred during the time employed in the discharge of their duties: *Provided*, that said food standard commission in determining and adopting a standard of quality, purity or strength, of milk or cream, shall fix such standard as may be determined, solely by the examination and test of milk or cream and the can or receptacle in which it is placed.

The said commissioner is hereby authorized to appoint, with the advice and consent of the Governor, one assistant commissioner who shall be a practical dairyman, whose salary shall be \$2,000 per annum and expenses incurred in official duties. One chief chemist who shall be known as State Analyst, whose salary shall be \$2,500 and expenses incurred in the discharge of official duties. One attorney whose salary shall be \$1,800 per annum and expenses incurred in the discharge of official duties. One chief clerk whose salary shall be \$1,800 per annum and expenses incurred in discharge of official duties. Said commissioner shall also have authority to appoint five analytical chemists whose salary shall be \$1,200 per annum each, 12 inspectors, whose salary shall be \$1,200 per annum and the necessary expenses incurred in the performance of their duties. Three (3) stenographers at \$900 and one assistant clerk at \$900 each.

The said commissioner shall make annual reports to the Governor not later than the 15th day of January, of his work and proceedings, and shall report in detail the number of inspectors he has appointed and employed, with their expenses and disbursements and the amount of salary paid the same, and he may from time to time issue bulletins of information when in his judgment the interests of the State would be promoted thereby.

The said commissioner shall maintain an office and laboratory where the business of said department may be conducted. This section shall not affect the term of office of the present commissioner, and he shall be regarded as having been appointed under the provisions of this Act.

§ 2. POWER OF COMMISSIONER AND INSPECTORS MAKING INSPECTION.] The State Food Commissioner, and such inspectors and agents as shall be duly authorized for the purpose, when and as often as they may deem it necessary for the purpose of determining whether any manufactured food complies with the law, shall examine the raw materials used in the manufacture of food products and determine whether any filthy, decomposed or putrid substance is used in their preparation. They may also examine all premises, carriages or cars where food is manufactured, transported, stored or served to patrons, for the purpose only of ascertaining their sanitary condition and examining and taking samples of the raw material and finished products found therein; but nothing in this Act shall be construed as permitting such officers to inquire into, or examine methods or processes of manufacture, or requiring or compelling proprietors or manufacturers, or packers of proprietary or other food products, to disclose trade rights, or secret processes, or methods of manufacture. Said commissioner, inspectors and agents shall also have power and authority to open any package, can or vessel, containing or supposed to contain, any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this Act, or laws that now exist, or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. The employes of railroads, express companies, or other common carriers, shall render to them all the assistance in their power, when so requested, in tracing, finding, or disclosing the presence of any article prohibited by law, and in securing samples thereof as herein provided for.

§ 3. REFUSAL TO ASSIST INSPECTOR A MISDEMEANOR.] Any refusal or neglect on the part of such employes of railroads, express companies or other common carriers to render such friendly aid, or to furnish such samples for analysis, as provided for in section 2 of this Act, shall be deemed a misdemeanor and shall be punished as hereinafter provided.

§ 4. The person taking such sample as provided for in section 2 of this Act, shall in the case of bulk or broken package goods divide the same into two equal parts, as nearly as may be, and in the case of sealed and unbroken packages he shall select two of said packages, which two said packages shall constitute the sample taken and, properly to identify the same, he shall, in the presence of the person from whom the same is taken, mark or seal each half or part of such sample with a paper seal or otherwise, and shall write his name thereon and number each part of said sample with the same number and also write thereon the name of the said dealer in whose place of business the sample is found and the person from whom said sample is taken

shall also write his name thereon and at the same time the person taking said sample shall give notice to such person from whom said sample is taken that said sample was obtained for the purpose of examination by the State Food Commissioner. One part of said sample shall be taken by the person so procuring the same to the State Analyst or other competent person appointed for the purpose of making examinations or analyses of samples so taken, and the person taking such sample shall tender to the person from whom it is taken, the value of that part thereof so retained by the person taking said sample; the other part of said sample shall be delivered to the person from whom said sample is taken. If the person from whom said sample is taken has recourse upon the manufacturer or guarantor either by operation of law or under contract for any failure of the part of said sample to comply with the provisions of this Act, then said person from whom said sample is taken shall retain for the period of ninety days that part of said sample so delivered to him in order that said manufacturer or guarantor may have the same examined or analyzed if he so desires:

Provided, that the person procuring said sample may securely pack and box that part thereof retained by him and send the same to the State Analyst, or other competent person appointed hereunder for the purpose of making examinations or analyses of samples, and his testimony that he did procure the sample and that he sealed and numbered the same as herein provided, and that he wrote his name thereon and that he packed and boxed said part thereof and sent the same to the State Analyst, or other competent person appointed hereunder to analyze such sample and the testimony of the person to whom said package or box is addressed that he received the same in apparent good order that said sample was sealed and that the number thereof and name of the sender, as herein provided for, was on said sample, and that the seal at the time the same was received was unbroken, shall be *prima facie* evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make such *prima facie* proof.

§ 5. MANUFACTURING ADULTERATED OR MISBRANDED FOOD MISDEMEANOR.] It shall be unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is adulterated or misbranded within the meaning of this Act and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished according to the provisions of this Act.

Provided, that no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country or purchaser, and prepared or packed according to the specifications or directions of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or

offered for sale for domestic use or consumption, then this proviso shall not except said article from the operation of any of the other provisions of this Act.

§ 6. POSSESSION MISBRANDED OR ADULTERATED ARTICLES PROHIBITED.] The having in possession of any article of food or drink which is misbranded or adulterated with intent to sell the same, is hereby prohibited, and whoever shall have in his possession with the intent to sell, sell or offer for sale any article which is adulterated or misbranded within the meaning of this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter provided. Proof that any person, firm or corporation has or had possession of any article which is adulterated or misbranded shall be *prima facie* evidence that the possession thereof is in violation of this section.

§ 7. TERM FOOD DEFINED.] The term "food," as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

§ 8. DEFINES ADULTERATION.] That for the purpose of this Act an article shall be deemed to be adulterated: in case of confectionery—

First—If it contains terra alba, barytes, talc, chrome yellow, paraffin, mineral fillers, or poisonous mineral substances, or poisonous color or flavor.

Second—If it contains any ingredient deleterious or detrimental to health, or any vinous, malt or spiritous liquor or compound, or narcotic drug.

In case of food:

First—If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second—If any substance has been substituted wholly or in part for the article.

Third—If any valuable constituent of the article has been wholly or in part abstracted: *Provided*, that in the manufacture of skim or separated cheese the whole or a part of the butter fats in the milk may be abstracted.

Fourth—If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or it is made to appear better or of greater value than it really is.

Fifth—If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, that when in the preparation of food products for shipment they are preserved by an external application, applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when such products are ready for consumption; and formaldehyde, hydrofluoric acid, boric acid, salicylic acid and all compounds and derivatives thereof are hereby declared unwholesome and injurious.

Sixth—If it consists in whole or in part of a filthy, decomposed or putrid, infected, tainted or rotten animal or vegetable substance or article, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

§ 9. MISBRANDED DEFINED.] The term "misbranded," as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or label of which shall bear any statement, design or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular and to any such products which are falsely branded as to manufacturer, packer or dealer who sells the same or as to the State, territory or country in which it is manufactured or produced. That for the purpose of this Act an article shall be deemed misbranded.

In case of food:

First—If it be an imitation of or offered for sale under the distinctive name of another article.

Second—If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substances contained therein.

Third—If in any package form and the contents are stated in terms of weight or measure, they are not correctly and plainly stated on the outside of the package.

Fourth—If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name of the article, and with either the name of the manufacturer and place of manufacture or the name and address of the packer or dealer who sells the same.

Fifth—If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients of the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in following cases:

First—In the case of mixtures or compounds which may be now, or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the article has been manufactured or produced.

Second—In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is

plainly stated on the package in which it is offered for sale: *Provided*, that the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only, and as applied to alcoholic beverages, only those distilled spirits shall be regarded as "like substances" which are distilled from the fermented mash of grain and are of the same alcoholic strength: *And, provided, further*, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome added ingredients, to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

Third—In the case of mixtures of corn syrup (glucose) or corn sugar (dextrose) or corn sugar syrup, with cane or beet sugar (sucrose) or cane or beet sugar syrup, in food, if the maximum per centage of corn syrup (glucose), or corn sugar (dextrose) or corn sugar syrup, in such article of food be plainly stated on the label.

§ 10. CONFISCATION AND CONDEMNATION OF MISBRANDED OR ADULTERATED FOODS.] Any article of food or drink or liquor that is adulterated or misbranded within the meaning of this Act, and is being sold or offered for sale within the State of Illinois, shall be liable to be proceeded against in any circuit court, or the superior court of Cook county, or the municipal court of any city, or before any justice of the peace within whose jurisdiction the same may be found, and seized for confiscation by process of law or condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Illinois and credited to the fund of the State Food Commission, to be used in the enforcement of the State food laws, but such goods shall in no instance be sold contrary to the provisions of this Act: *Provided, however*, that upon the payment of the costs of such libel proceedings and the execution and the delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, the court may, by order, direct that such articles be delivered to the owner thereof. Either party may demand trial by jury upon any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the People of the State of Illinois.

§ 11. VINEGAR TO BE BRANDED.] All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded with the name of the fruit or substance from which the same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and shall not be colored in imitation of cider vinegar. All vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, shall contain no foreign substance, and shall contain not less than four per cent, by weight, of absolute acetic acid.

§ 12. EXTRACTS TO BE LABELED.] Extracts made of more than one principle shall be labeled in a conspicuous manner with the name of each principle, or else with the name of the inferior or adulterant, and in all cases when an extract is labeled with two or more names, such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided*, that all extracts which can not be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "imitation," in letters similar in size and immediately preceding the name of the article: *Provided, further*, that prepared cocoanut, containing nothing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or "mixture."

§ 13. BAKING POWDER.—HOW LABELED.] No person by himself, his servant, or his agent, or as the servant of any other person, shall, *first*, make or manufacture baking powder or any other mixture or compound intended for use as baking powder; *second*, or sell, exchange, deliver, or offer for sale, or exchange such baking powder or any mixture or compound intended for use as baking powder, unless the same shall contain not less than ten per cent available carbon dioxide and unless the common names of all the ingredients be printed on the label.

§ 14. ADULTERATED SPIRITUOUS, MALT OR VINOUS LIQUORS. PROHIBITED.] No person shall, within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spirituous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful and shall be deemed to be deleterious or detrimental to health when contained in such liquors, to-wit, *Coccus indicus*, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, daniel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, and any extracts or compound of any of the above drugs, substances or ingredients and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

§ 15. MUTILATING LABEL PROHIBITED.] Whoever shall deface, change, erase or remove any mark, label or brand provided for by this Act with intent to mislead, deceive or to violate any of the provisions of this Act, shall be held liable to the penalties of this Act.

§ 16. SALE OF UNCLEAN OR UNWHOLESOME MILK FOR CONSUMPTION AND UNSANITARY CONTAINERS PROHIBITED.] No person, firm or corporation shall offer for sale, or sell to any person, firm or corporation, creamery or cheese factory, any unclean, unhealthful,

unwholesome, or adulterated milk or cream, or any milk or cream which has not been well cooled or to which water or any other foreign substance has been added, or milk or cream which has been handled or transported in unclean or unsanitary vessels or containers: *Provided*, that nothing in this section shall be construed to prevent the sale of skim milk to factories engaged in the manufacture of skim milk products nor the sale of skim milk under the provisions of section 19 of this Act.

§ 17. PERSONS RECEIVING MILK TO WASH CANS.] Any person, firm or corporation who receives from any other person, firm or corporation, any milk or cream in cans, bottles or vessels which have been transported over any railroad, or boat line, where such can, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly cleansed and aired.

§ 18. NOT TO MANUFACTURE FOOD FROM IMPURE OR UNCLEAN MILK OR CREAM.] No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

§ 19. SALE OF SKIM MILK—CANS—HOW LABELED.] No person, firm or corporation shall sell, or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle, used in transporting milk from which cream has been removed, any such milk or milk commonly called "skim milk" without first attaching to the can, vessel or package containing said milk, a tag with the words "skim milk" printed on both sides of said tag in large letters, each letter being at least three-fourths of an inch high and one-half inch wide. Said tag shall be attached to the top or side of said can, vessel or package where it can be easily seen.

§ 20. INSTRUMENTS FOR MEASURING MILK AND CREAM STANDARDS.] The State standard milk measure or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tube or bottles for milk shall have a capacity of two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof. For cream, eighteen grams shall be used, and the standard test tubes or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof. and it is hereby made a misdemeanor to use any other measure, pipette, test tube, or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer or agent in this State who shall offer for sale or sell a cream or milk pipette or measure, test tube or bottle

which is not correctly marked or graduated, as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this Act.

§ 21. UNDERREADING BABCOCK TEST PROHIBITED.] It shall be unlawful for the owner, manager, agent or any employé of a creamery or cheese factory to manipulate or underread the Babcock test, or any other contrivance used for determining the quality or value of milk, or to falsify the record thereof, or to pay for such milk on the basis of any measurement except the true measurement as thereby determined.

§ 22. SALE OF PRESERVATIVES PROHIBITED.] No person, firm or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as a preservative or other adulterant of milk, cream, butter or cheese, nor shall he manufacture for sale, advertise, offer or expose for sale, or sell any unwholesome or injurious preservative or any mixture or compound thereof intended as a preservative of any food: *Provided, however,* that this section shall not apply to pure salt added to butter and cheese.

§ 23. VEHICLES TO BE MARKED.] Any person, firm or corporation, who shall in any of the cities, incorporated towns or villages of this State which contain a population of 5,000 or over, engage in or carry on a retail business in the sale or exchange of, or any retail traffic in milk or cream, shall have each and every carriage or vehicle from which the same is vended, conspicuously marked with the name of such vender on both sides of such carriage or vehicle.

§ 24. ILLEGAL LARD.] No person shall within this State, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

§ 25. LARD SUBSTITUTE.] No person shall manufacture for sale within this State, or have in his possession with intent to sell, offer or expose for sale, or sell as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils or fats other than the fat of the hog, or any mixture or combination with any animal or vegetable oils or fats, unless the tierce, barrel, tub, pail, or package containing the same shall be distinctly and legibly branded or labeled with the name of the person, firm or corporation making the same, together with the location of the manufactory and the words "Lard Substitute," or "Adulterated Lard" or "compound," "imitation" or "blend," as the case may be, or unless the same shall be sold under its own distinctive name as provided for in section 9 of this Act.

§ 26. PERSONS SELLING IMITATION OR SUBSTITUTE FOR LARD TO INFORM PURCHASER.] It shall be unlawful to sell or offer for sale any "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend" as herein defined without informing the purchaser thereof, or the person or persons to whom the same is offered for sale,

that the substance sold or offered for sale is "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend" as the case may be.

§ 27. SALE OF PROCESS BUTTER NOT BRANDED PROHIBITED.] No person, firm or corporation, agent or employé shall manufacture for sale, sell, offer or expose for sale, in this State, any butter that is produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section 28 of this Act.

§ 28. PROCESS BUTTER—HOW BRANDED.] No person, firm or corporation, agent or employé shall sell, offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter as defined in section 27 of this Act, unless the words "Renovated Butter," shall be plainly branded with Gothic or bold face letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case or package, or on the wrapper of prints or rolls or bulk packages in which it is put up. If such butter is exposed for sale uncovered, or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

§ 29. ILLEGAL FOODS TO BE SEIZED.] Whenever the commissioner or his agents shall have ground for suspicion that any article of food, found in possession of any person, firm or corporation, is adulterated or misbranded within the meaning of this Act, he may seize such article of food and make an inventory thereof, and shall leave a copy of such inventory with the party holding such suspected goods and tag the same "suspected;" and he shall notify in writing the person, firm or corporation in whose possession it may be found, not to offer the same for sale or sell or otherwise dispose of the same until further notice in writing from the commissioner. Whereupon the commissioner shall forthwith cause a sample of said article of food to be examined or analyzed, and if the same shall be found to be adulterated or misbranded within the meaning of this Act the commissioner shall proceed with a hearing and subsequent proceedings as provided in this Act. If, however, such examination or analysis shall show that such article of food complies with the provisions of this Act, the person, firm or corporation, in whose possession such article of food is found shall forthwith be notified in writing that said seizure is released, and authority given to dispose of such article of food. Such seizure may be had without a warrant and said commissioner, and all inspectors and agents appointed pursuant to law are hereby given full power and authority of "police-

men." Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitation thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this Act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor and to that end may cause any building, enclosure, wagon or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

§ 30. SEARCH WARRANTS TO BE ISSUED FOR ILLEGAL FOOD.] All warrants issued pursuant to section 29 hereof shall be directed to the sheriff, bailiff or some constable of the county where such food or dairy products may be supposed to be concealed, commanding such officer to search the house or place where such food or dairy product, or substitutes thereof, or imitation thereof, for which he is required to search, is believed to be concealed, which place and the property to be searched for, shall be designated in the warrant, and to bring such food or dairy product or substitute therefor or imitation thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case to be proceeded against as hereinbefore provided for in section 10 of this Act.

§ 31. STATE'S ATTORNEY TO ASSIST.] It shall be the duty of the State's attorney in any county of this State when called upon by the commissioner, or any of his assistants to render any legal assistance in his power to execute the law and to prosecute cases arising under the provisions of this Act: *Provided*, that no person shall be prosecuted under the provisions of this Act for selling or offering for sale any article of food or drugs as defined herein, when same is found to be adulterated or misbranded within the meaning of this Act, in the original unbroken package in which it was received by said person when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the State, from whom he purchased such article, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer, within the meaning of this Act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties as provided for in this Act: *Provided*, that no such guaranty shall operate as a defense to prosecutions for the violation of this Act. *First*. If the dealer shall continue to sell after notice by the State Food Commissioner that such article is adulterated or misbranded within the meaning of this Act. *Second*. If the dealer shall fail to preserve for the manufacturer or guarantor and deliver to him upon demand the sample left with him by the commissioner or his agent.

§ 32. STATE BOARD OF HEALTH TO FURNISH SAMPLES.] The State Board of Health may submit to the commissioner or any of his assistants samples of food or drink for examination or analysis, and shall receive special reports showing the results of such examination or analysis.

§ 33. STATE ANALYST SHALL NOT FURNISH CERTIFICATE OF PURITY.] It shall be unlawful for the State Analyst or any assistant State analyst to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

§ 34. USING SHIFT OR DEVICE.] The use of any shift or device to evade any of the provisions of this Act shall be deemed a violation of such provision and punishable as herein provided.

§ 35. MASTER'S LIABILITY, ETC.] Whoever shall, by himself or another, either as principal, clerk or servant, directly or indirectly, violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished as herein provided.

§ 36. PENALTIES, LICENSE FEES AND PROCEEDS PAID TO STATE TREASURER.] All fines, penalties, and all proceeds collected from goods confiscated and sold under the provisions of this Act and other laws relating to dairy and food products, and all license fees collected hereunder, shall be paid into the State treasury.

§ 37. LABEL—SIZE OF TYPE.] The principal label on any package of food, as defined by this Act, shall be printed plainly and legibly in English with or without the foreign label in the language of the country where the product is produced or manufactured and the size of type, if not otherwise described in this Act, shall be not smaller than eight-point (brevier) caps: *Provided*, that in case the size of the package will not permit the use of eight-point cap type, the size of the type may be reduced proportionately.

§ 38. FOOD COMMISSION TO MAKE RULES AND REGULATIONS.] The State Food Commissioner shall make rules and regulations for carrying out the provisions of this Act, and shall have power to make rules and regulations for the analyzing and reporting the results thereof, of articles submitted for analysis by the State Board of Health, and regulating the analyzing and reporting thereon of samples taken under any law or laws of the United States by any person hereunder, or furnished by any officer or employé charged with the enforcement of the laws of the United States relative to the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, dairy products or articles manufactured from dairy products, or liquors.

§ 39. STANDARD OF PURITY AND STRENGTH.] In the enforcement of this Act, and in the construction thereof, the following named articles of food-stuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each respectively:

Milk shall contain not less than three (3) per cent of milk fat and not less than eight and one-half (8.5) per cent of solids, not fat.

Condensed Milk and Evaporated Milk shall contain not less than twenty-eight (28) per cent of milk solids and one hundred (100) per cent of such milk solids shall contain not less than twenty-seven and five-tenths (27.5) per cent of milk fat.

Cream shall not contain less than eighteen (18) per cent of milk fat.

Maple Sugar shall contain not less than sixty-five one-hundredths (0.65) per cent of maple ash in the water-free substance.

Honey is laevo-rotatory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash and not more than eight (8) per cent of sucrose.

Cloves shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Black Pepper shall contain not less than six (6) per cent of non-volatile ether extract, not less than twenty-five (25) per cent of pepper starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

Lemon Extract shall contain not less than five (5) per cent of oil of lemon by volume.

Orange Extract shall contain not less than five (5) per cent of oil of orange by volume.

Vanilla Extract shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

Olive Oil has a refractory index (25°C) not less than one hundred and forty-six hundred and sixty ten thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680); and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

All vinegars shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20°C).

Cider Vinegar shall contain not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20°C.).

Wine Vinegar shall contain not less than one (1) gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20°C.).

Malt Vinegar shall contain in one hundred (100) cubic centimeters (20°C.) not less than two (2) grams of solids and not less than two-tenths (0.2) grams of ash.

In the enforcement of this Act and the construction thereof all articles of food not defined in this Act, when offered for sale or ex-

posed for sale, or sold, shall conform to the definition and analytical requirements of the standards adopted and promulgated from time to time by the State Food Standard Commission: *Provided*, such standards for any article of food or drink, or for any substance used or intended to be used in food or drink, shall be deemed *prima facie* evidence of the proper standard of quality, purity and strength of any such article or substance, but shall only be deemed such *prima facie* evidence in the trial of cases brought in the proper courts to enforce the provisions of this Act.

Provided, that nothing in this section shall be construed to prevent the sale of any wholesome food product which varies from such standards, if such article of food be labeled so as to clearly indicate such variation.

§ 40. PRELIMINARY HEARING BY THE COMMISSIONER.] When it appears from the examination or analysis that the provisions of this Act have been violated, the food commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained; and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer, by registered mail. The receipt of the post office department for such registered notice shall be received as *prima facie* evidence that such notice has been given. The party, or parties, so notified, shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private, and the parties interested therein may appear in person or by attorney. If, after such hearing, the commissioner shall believe this Act has been violated, he shall cause the party, or parties whom he believes to be guilty, to be prosecuted forthwith, under the provisions of this Act. No action or prosecution shall be instituted against any person for a violation of the provisions of this Act unless the same shall have been commenced within ninety days from the taking of said sample.

§ 41. PENALTY.] Any person convicted of violating any of the provisions of the foregoing Act shall, for the first offense, be punished by a fine in a sum not less than fifteen (15) dollars, and not more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court, and for the second and each subsequent offense by a fine of not less than twenty-five (25) dollars and not more than two hundred (200) dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court; or the fine above may be sued for and recovered before any justice of the peace or any other court of competent jurisdiction in the county where the offense shall have been committed, at the instance of the State Food Commissioner or any other person in the name of the People of the State of Illinois as plaintiff and shall be recovered in an action of debt.

§ 42. JUDGMENT—ISSUING CAPIAS.] When the rendition of the judgment imposes a fine as provided in any of the sections of this Act, it shall be the duty of the justice of the peace or other court rendering such judgment also to render a judgment for costs and such justice of the peace or other court shall forthwith issue a capias or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid the defendant shall be committed to the jail of the county and the constable or other officer, to whose hands said capias or warrant shall come, shall in default of such payment, arrest the defendant and commit him to the jail of the county, there to remain as provided in section 171 of "An Act to revise the law in relation to criminal jurisprudence." in force July 1, 1885, unless such fines and costs shall sooner be paid.

§ 43. REPEAL.] All Acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, that nothing in this Act contained shall be construed as repealing the Act entitled, "An Act to regulate the manufacture and sale of substitutes for butter." approved June 14, 1897, in force July 1, 1897, or any part thereof.

APPROVED May 14, 1907.

STATE MILITIA.

MILITARY AND NAVAL CODE.

- § 1. Amends all of article 2, and sections 1 and 2 of article 4, and adds section 11 to article 12, Act of 1903.

ARTICLE 2.

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| <p>§ 1. Illinois National Guard—organization — major general.</p> <p>Illinois Naval Reserve—organization — exemptions.</p> <p>§ 2. Staff.</p> <p>§ 3. Adjutant general and assistant — duties—salaries, form of reports—residence.</p> <p>§ 4. Supplies — how procured — emergency — State military fund.</p> <p>§ 5. Division of infantry.</p> <p>§ 6. Brigade of infantry.</p> <p>§ 7. Regiment of infantry.</p> <p>§ 8. Battalion of infantry.</p> <p>§ 9. Company of infantry.</p> <p>§ 10. Regiment of cavalry.</p> | <p>§ 12. Troop of cavalry.</p> <p>§ 13. Battalion of artillery.</p> <p>§ 14. Battery of artillery.</p> <p>§ 15. Band.</p> <p>§ 16. Company of engineers.</p> <p>§ 17. Signal corps.</p> <p>§ 18. Medical department.</p> <p>§ 19. Naval Reserve—organization.</p> <p>§ 20. How promote efficiency.</p> <p>§ 21. Division—organization.</p> <p>§ 22. Engineer division—organization.</p> <p>§ 23. Band.</p> <p>§ 24. Line officers.</p> <p>§ 25. Command of naval reserve in service—precedence.</p> <p>§ 26. Naval forces under command of commander-in-chief.</p> <p>§ 27. Officers — how elected — terms.</p> |
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§ 28. Examinations.

§ 29. Commander-in-chief makes rules—appoints boards, general and special—notification.

§ 30. Petty officers appointed.

§ 31. Commander-in-chief confers rank.

ARTICLE 4.

§ 1. Assistant surgeons appointed.

§ 2. Promotions.

ARTICLE 12.

§ 11. Penalty.

(SENATE BILL NO. 249. APPROVED MAY 28, 1907.)

AN ACT to amend each and every section of article II, and section one (1) and section two (2) of article IV of an Act entitled "An to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903, in force July 1, 1903, and to add to article XII thereof an additional section to be numbered and known as section eleven (11).

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That each and every section of article II and section one (1) and section two (2) of article IV of an Act entitled "An Act to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903, in force July 1, 1903, be and the same are hereby amended, and that there be added to article XII thereof an additional section to be numbered and known as section eleven (11), so as to read as follows:

ARTICLE II.—ORGANIZATION AND EXEMPTIONS.

§ 1. The land force of the organized militia shall be designated as the Illinois National Guard and shall consist of not more than twenty-four (24) battalions of infantry, one battalion of artillery, one regiment of cavalry of nine (9) troops, a company of engineers, one signal corps, a medical department and hospital corps, and shall be organized as a division under the command of a major general. The organized naval militia shall be designated as the Illinois Naval Reserve, and in time of peace shall consist of a ship's crew or complement. The commander-in-chief may consolidate, transfer, muster out, disband and make such other changes in the organization of the Illinois National Guard and the Illinois Naval Reserve from time to time as the best interests of the service may require, and shall make such brigade and regimental organizations as may be necessary for the land forces, and such squadron and ship's crew organization as may be necessary for the naval force: *Provided*, that the number of general officers appointed to carry out such organization shall never exceed four.

Every officer, non-commissioned officer, musician, private or enlisted man of the Illinois National Guard or Illinois Naval Reserve shall be exempt from jury duty, from payment of road labor and head or poll tax of every description during the time he shall hold a commission as an officer or be enrolled as an enlisted man in the Illinois National Guard or the Illinois Naval Reserve; the exemption

from jury duty shall continue after discharge for a period equal to that honorably completed in the Illinois National Guard or Illinois Naval Reserve. The uniforms, arms and equipment of every member of the Illinois National Guard or Illinois Naval Reserve shall be exempt from all suits, distresses, executions or sales for debts or payment of taxes. The members thereof shall in all cases except treason, felony or breach of peace, be privileged from arrest and imprisonment by civil authority while under orders in the active service of the State, from the date of the issuing of such orders to the time when such service shall cease.

§ 2. The staff of the commander-in-chief shall consist of an adjutant general, with the rank of major general, who shall be *ex officio* chief of staff, quartermaster general, commissary general and chief of ordnance; an inspector general; a general inspector of rifle practice; a surgeon general; a judge advocate general, an assistant adjutant general, who shall assist the adjutant general in the discharge of his duties generally, and who shall perform the duties of adjutant general in the absence of the adjutant general from the State, or in the event of disability of the adjutant general; each with the rank of colonel; and each and all of whom shall have previously served as an officer in either the National Guard or Naval Reserve or the regular or volunteer forces of the United States; and ten aides de camp, four of whom he may appoint in any grade not above that of colonel, and all of whom shall have served in the National Guard or Naval Reserve or the regular or volunteer forces of the United States; the remaining six shall be appointed by the Governor from the commissioned officers of the Illinois National Guard and Illinois Naval Reserve in active service of grade below that of colonel, and their appointment shall operate as a commission as aides de camp, but shall not add to the actual grade of the officer so appointed. Officers so appointed as aides de camp shall not be relieved from duty with their respective organizations, but shall perform all duties pertaining thereto, except when actually on duty as aides de camp under the orders of the Governor, and shall hold such appointment as aides de camp at the pleasure of the Governor.

§ 3. DUTIES OF THE ADJUTANT GENERAL.] The adjutant general shall issue and transmit all orders of the commander-in-chief with reference to the militia, military and naval organizations of the State, and shall keep a record of all officers commissioned by the Governor and all general and special orders and regulations, and all such matters as pertain to the organization of the State militia, the Illinois National Guard and the Illinois Naval Reserve, and perform the duties of adjutant general, quartermaster general, commissary general and chief of ordnance. He shall have charge of the State armory, arsenal and arsenal grounds, and all military camps, rifle ranges and armories, and shall receive and issue all ordnance and ordnance stores, clothing, camp and garrison equipage, subsistence stores and all other public property pertaining to the military and naval forces of the State, on the order of the commander-in-chief. The adjutant general shall receive for his services the sum of \$3,500 per annum. The as-

sistant adjutant general shall receive for his services the sum of \$2,000 per annum. The adjutant general may appoint, with the approval of the Governor, an ordnance sergeant for permanent duty at the arsenal at a salary not exceeding \$800 per annum. The adjutant general shall have charge of and carefully preserve the colors, flags, guidons and military trophies of war belonging to the State, and shall not allow the same to be loaned out or removed from their proper place of deposit. He shall furnish, at the expense of the State, blanks and forms, and such military and naval instruction books as shall be approved by the commander-in-chief. He shall also, on or before the first day of October next preceding the regular session of the General Assembly make out a full and detailed report of all the transactions of his office, with the receipts and expenditures of the same for the preceding two years. In preparing his account of the money paid out and expended, he will group the expenditures made from each separate appropriation under the following sub-heads or titles:

NATIONAL GUARD.

1. Armory rent, fuel, light, janitor, etc.
2. Camp and garrison equipage, clothing and equipments.
3. Pay of officers and troops for camp duty and other duties ordered by the commander-in-chief.
4. Transportation of officers and troops.
5. Subsistence of troops at each camp of instruction, practice march, or other duty ordered by the commander-in-chief.
6. Horse hire and forage.
7. Rifle practice, including all expenses connected therewith, except pay of officers and enlisted men and civilian employés.
8. Pay of permanent salaried officers, clerks, enlisted men and civil employés.
9. Miscellaneous expenses.
10. Total expenditures.

NAVAL RESERVE.

1. Armory rent, light, fuel, janitor, etc.
2. Camp and garrison equipage, clothing, equipments, tools and instruments.
3. Pay of officers and men for camp or cruise duty, and other duties ordered by the commander-in-chief.
4. Transportation of officers and men.
5. Subsistence of officers and men at each camp of instruction or practice cruise, or other duty ordered by the commander-in-chief.
6. Dockage and repairs.
7. Guns and small arms practice, and expenses immediately pertaining thereto.
8. Pay of permanent salaried officers, clerks, enlisted men and civil employés.

9. Steam engineering department.
10. Miscellaneous expenses.
11. Total expenditures.

The adjutant general shall also report the total unexpended balance of appropriation on hand, and shall also report upon such other matters at such times as shall be required by the Governor.

The adjutant general and assistant adjutant general shall each reside at the State capital and hold their respective offices during the pleasure of the Governor.

§ 4. The adjutant general shall direct and have charge of the purchase of all military stores and supplies; purchase of supplies and stores not exceeding \$100 in value shall be purchased in such manner as the adjutant general may direct. If such purchase require an expenditure exceeding \$100 and not exceeding \$500, the adjutant general shall secure written proposals to furnish such supplies or stores from at least three parties, and shall purchase such supplies or stores from the lowest responsible bidder. If such purchase shall require the expenditure of a sum exceeding \$500, he shall publicly advertise for at least ten days in one or more (not exceeding four) newspapers of general circulation, published or circulated in districts where such supplies or stores are manufactured, jobbed or wholesaled, for sealed proposals for furnishing such supplies or stores, reserving the right to reject any or all proposals; such proposals shall be accompanied by samples of the stores or supplies proposed to be furnished, when the nature of such stores and supplies make[s] it practicable so to do; such proposals shall be publicly opened by the adjutant general at the place, day and hour designated in such advertisement. The adjutant general shall, if the Governor approve, contract with the lowest responsible bidder (proposing to furnish the quality of stores or supplies called for) to furnish such stores or supplies. A copy of all advertisements, proposals and contracts shall be filed in the office of the adjutant general. The adjutant general is authorized and directed to require a party who shall contract to furnish such stores or supplies or both, to give bond to the People of this State in such sum and with such surety as he shall direct, conditioned for the faithful performance of such contract; in case of default such bond shall be prosecuted by the Attorney General, and all monies recovered shall be turned into the State military fund. All stores, supplies or property purchased under contract shall be rigidly inspected by an officer detailed for that purpose by the Commander-in-Chief, and compared with the samples furnished or with standard supplies and stores of like character, before the same shall be accepted or paid for. If such stores and supplies so furnished under contract or proposal are defective and not equal in quantity, quality or value to those contracted to be furnished, the same shall be rejected. The foregoing provisions shall apply in the matter of all purchases, except that in time of public danger, or when an emergency exists, and the Governor so decides, and so orders in writing, the adjutant general may purchase, or authorize the purchase of stores and supplies in the open market, sufficient for the needs of the

emergency then existing, without requiring proposals, and without advertising for the same. All monies arising from the sale of damaged or surplus military stores and property, or from stores or property sold to the United States, shall be turned into the State treasury and shall constitute a fund to be known as the "State Military Fund," and to be kept separate from other funds and paid out by the Treasurer for general military purposes on proper vouchers certified by the adjutant general and approved by the Governor.

§ 5. A division shall consist of a major general and the following staff, or so many of them as may be required:

An assistant adjutant general, colonel, *ex officio* chief of staff of division.

An assistant inspector general, lieutenant colonel.

An ordnance officer, lieutenant colonel, inspector of rifle practice.

A chief surgeon, lieutenant colonel.

A judge advocate, lieutenant colonel.

A chief quartermaster, lieutenant colonel.

A chief commissary, lieutenant colonel.

Three aides de camp, captains. The preceding staff officers shall be officially designated as adjutant general, inspector general, judge advocate, chief ordnance officer, chief quartermaster, chief commissary and aide de camp, respectively, of the division.

One sergeant major, one each quartermaster, commissary, ordnance, color and trumpeter sergeants.

And the following troops:

Three brigades of infantry.

One regiment of cavalry.

One battalion of light artillery.

One company of engineers.

One signal corps.

§ 6. A brigade of infantry shall consist of a brigadier general and the following staff, or so many of them as may be required:

An assistant adjutant general, lieutenant colonel.

An assistant inspector general, lieutenant colonel.

An ordnance officer, lieutenant colonel, inspector of rifle practice.

A surgeon, lieutenant colonel.

A judge advocate, lieutenant colonel.

A quartermaster, major.

A commissary, major.

Two aides de camp, first lieutenants. The preceding staff officers shall be officially designated as adjutant general, inspector general, judge advocate, chief ordnance officer, chief quartermaster, chief commissary and aide de camp, respectively, of the brigade to which they are attached.

One sergeant major, and one each quartermaster, commissary, ordnance, color and trumpeter sergeants.

And not less than two (2) nor more than four (4) regiments.

Non-commissioned officers of the division and the brigades shall be appointed and warranted by the general commanding the division

and the brigades respectively. They shall receive an honorable discharge from the service at the pleasure of the commanding general or at the expiration of term of service unless sooner discharged by process of law.

§ 7. A regiment of infantry shall consist of one colonel, one lieutenant colonel, and regimental staff consisting of one adjutant, with rank of captain; one quartermaster, with rank of captain; one commissary, with rank of captain; one ordnance officer, inspector of rifle practice, with rank of captain; one chaplain, with rank of captain; one sergeant major; one quartermaster sergeant; one commissary sergeant; one ordnance sergeant; one chief trumpeter; two color sergeants; one band; and not less than two nor more than three battalions; and not less than eight nor more than twelve companies.

§ 8. A battalion of infantry shall consist of one major and a battalion staff consisting of one adjutant, with rank of first lieutenant; one quartermaster and commissary of subsistence, with rank of second lieutenant; one sergeant major; one quartermaster sergeant; one trumpeter sergeant; and not less than two nor more than four companies. The commissioned staff of an unassigned battalion shall be the same as that of a regiment, except that the rank of its members shall be that of first lieutenant; the non-commissioned staff shall be the same as that of a regiment with but one color sergeant.

§ 9. A company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, two musicians, one artificer, six corporals, two cooks, and forty-one privates as a minimum and seventy privates as a maximum.

§ 10. A regiment of cavalry shall consist of one colonel, one lieutenant colonel, and a regimental staff consisting of one adjutant, with rank of captain; one quartermaster with rank of captain; one commissary with rank of captain; one ordnance officer, inspector of rifle practice, with rank of captain; one chaplain, with rank of captain; one veterinary surgeon, with rank of captain; one sergeant major; one quartermaster sergeant; one ordnance sergeant; one commissary sergeant; two color sergeants; one saddler sergeant; one farrier sergeant; one chief trumpeter; one band; and not less than two nor more than three squadrons and not more than nine troops.

§ 12. A troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two trumpeters, two cooks, one farrier, one blacksmith, one saddler, and thirty-nine privates as a minimum, and two additional corporals and forty-three privates as a maximum.

§ 13. A battalion of artillery shall consist of one major and a commissioned staff the same as that of an unassigned battalion, with the addition of a veterinary surgeon with the rank of first lieutenant and a non-commissioned staff the same as that of an unassigned battalion, and not less than two nor more than four batteries.

§ 14. A battery of artillery shall consist of one captain, one first lieutenant, two second lieutenants, one first sergeant, one quarter-

master sergeant, one stable sergeant, six sergeants, twelve corporals, four artificers, two trumpeters, two cooks, and one hundred four (104) privates as a minimum.

§ 15. A band shall consist of one chief musician, two principal musicians, one drum major, four sergeants, eight corporals, two cooks, and from twelve to twenty-four privates.

§ 16. A company of engineers shall consist of one captain, three first lieutenants, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two cooks, two musicians, twenty-one privates, first class, and twenty-one privates, second class, as a minimum.

§ 17. A signal corps shall consist of one captain, three first lieutenants, five sergeants, first class, five sergeants, ten corporals, two cooks, eighteen privates, first class, and eighteen privates, second class, as a minimum.

§ 18. The medical department shall consist of one surgeon general, with rank of colonel, as prescribed in section 2, article 1; for the division and each brigade of the Illinois National Guard, one assistant surgeon general, with the rank of lieutenant colonel, who shall be designated chief surgeon of the division and brigade to which he is assigned; for each regiment of the Illinois National Guard, one surgeon, with rank of major; for each regiment and battalion of artillery of the Illinois National Guard, one assistant surgeon with the rank of captain; for each regiment of infantry and cavalry and battalion of artillery, two assistant surgeons, with rank of first lieutenants; for each regiment of infantry and cavalry, one acting assistant surgeon, with rank of first lieutenant as dental surgeon; as secretary to the surgeon general, one assistant surgeon with the rank of first lieutenant, to keep the records of the department and act in the capacity of adjutant thereof; for the naval force a surgeon with the rank of lieutenant commander; two past assistant surgeons with the relative rank of lieutenant; four assistant surgeons with the relative rank of lieutenant junior grade; and a hospital corps, consisting of one hospital steward, assigned to the office of the surgeon general; one hospital steward to each brigade headquarters; one hospital steward for each regiment of infantry, cavalry and battalion of artillery, and one acting hospital steward for each battalion of infantry, squadron of cavalry and battery; and for the naval reserve one pharmacist to be a warrant officer, and such number of apothecaries (not exceeding four) as the commanding officer of the naval reserve may direct, and hospital corps privates in the ratio of two for each company of infantry, troop of cavalry, battery of artillery, signal corps and engineer company, and for the naval reserve such number of hospital attendants or laymen as the commanding officer may direct, upon the approval of the surgeon general.

§ 19. The Naval Reserve shall consist of one captain; one commander, who shall be executive officer; one lieutenant commander, who shall be navigating officer; one lieutenant, who shall be ordnance officer; one lieutenant, who shall be equipment officer; a staff consisting of one lieutenant commander, who shall be chief engineer; one

lieutenant commander, who shall be paymaster; one lieutenant, who shall be past assistant paymaster; one lieutenant, junior grade, who shall be an assistant paymaster; one lieutenant, who shall be chaplain; one lieutenant, junior grade, who shall be signal officer; one lieutenant, junior grade, who shall be secretary; two ensigns, who shall be aides de camp; one band and ten divisions, two of which shall be (steam) engineer divisions. There shall also be allowed on the staff of the Naval Reserve such number of warrant officers, not exceeding eight, and petty officers as the commander-in-chief may from time to time direct.

§ 20. The commander-in-chief may, at his discreiton, to promote the efficiency of the service, subdivide the ten divisions into battalions of five divisions each (one of which shall be an engineer division). When battalions are organized, each battalion shall be commanded by a commander and to each battalion there shall be allowed the following additional commissioned officers: One lieutenant commander who shall be chief executive officer of the battalion; one lieutenant who shall be the navigating and ordnance officer of the battalion; one signal officer with the rank of ensign. There shall be allowed to each battalion staff such number of petty officers as the commander-in-chief shall from time to time order and direct.

§ 21. A division shall consist of one lieutenant; one lieutenant, junior grade; two ensigns; one boatswain's mate, first class; one gunner's mate, first class; one quartermaster, first class; one master-at-arms, second class; one boatswain's mate, second class; one gunner's mate, second class; one quartermaster, second class; one yeoman, second class; one gunner's mate, third class; one quartermaster, third class; two musicians; one coxswain for every twenty seamen; and thirty seamen as a minimum and eighty seamen as a maximum.

§ 22. A (steam) engineer division shall consist of one lieutenant, who shall be past assistant engineer; one lieutenant, junior grade, who shall be past assistant engineer; two ensigns who shall be assistant engineer; and not to exceed four chief machinist's mates; six machinist's mates, first class; two electricians, first class; eight machinist's mates, second class; two electricians, second class; one yeoman, second class; two musicians; four oilers, third class; eight water tenders; eight firemen, first class; twenty-four firemen, second class; and twenty-four coal-passers.

§ 23. The band of the Naval Reserve shall consist of one chief musician; one drum major; two principal musicians; four musicians, first class; eight musicians, second class; and twenty-four seamen musicians.

§ 24. The chief engineer, signal officer, secretary, and aides de camp, shall not be considered to be "staff" officers, but shall be line officers, and as such entitled to assume command.

§ 25. Whenever the Naval Reserve, or any part thereof, shall be in the field or afloat upon actual service, the senior officer present shall command same, and whenever operating or acting in conjunction with the land forces of the militia of the State, the senior officer present,

according to relative rank of either force, shall command the whole, unless otherwise specially ordered or directed by the commander-in-chief, or other competent military or naval authority. But no officer of the staff shall be entitled by virtue of his rank to assume command when officers of the line are present and capable of assuming command, unless expressly authorized so to do by law, or by the terms of his commission, where an officer of similar rank and position in the United States navy service would not be entitled to assume command, unless by express directions of the commander-in-chief or other competent authority.

§ 26. The naval forces shall not be considered as attached to any division or brigade of the land forces of the State, but shall be under the direct command of the commander-in-chief. The commander-in-chief may, however, attach the naval forces temporarily for military purposes, in case of actual service, to any division or brigade of the State troops, should he deem proper so to do, and to place it under the command of the commanding officer thereof. Nothing in this Act contained shall be construed as exempting the naval forces from being called into the service of the State, or of the United States, in case of war, rebellion, riot or insurrection, or to aid in the enforcement of the laws of the State, or of the United States, in the same manner as provided by law for the land forces of the State troops. When called into the service of the State, or of the United States, for any purpose, they shall be liable to perform such duties as may be required of them, either on shore or afloat.

§ 27. The captain commanding the Naval Reserve, the executive, navigating, ordnance and equipment officers, shall be elected by the division officers and when confirmed by the commander-in-chief, those above the rank of lieutenant shall hold their office for five years, those officers of the rank of lieutenant shall hold their office for three years. The ordnance and equipment officers in the order named shall be senior to all others of the same rank.

Division officers shall be elected by the members of their divisions and when confirmed by the commander-in-chief shall hold office three years.

§ 28. All persons elected or appointed to any commissioned office below the rank of lieutenant commander, with the exception of the past assistant paymaster and the chaplain shall before any commission be issued to them, be required to pass a satisfactory examination as to their fitness and capacity for such office. But no person re-elected or re-appointed to any such office shall be required to pass such examination upon such re-election or re-appointment.

§ 29. The commander-in-chief shall have power to establish by rule and regulation the character of examinations required of persons recommended for appointment or election to office in the Naval Reserve, and to appoint examining boards, for the purpose of holding and conducting such examinations. Such boards may be general for the purpose of examining all persons elected or recommended for appointment to any grade or office, or may be special for the examination of particular persons as the commander-in-chief may direct; such boards may be composed in whole or in part of officers of the United

States navy service. It shall be the duty of the adjutant general to notify all persons elected or recommended for appointment to any commissioned office and subject to examination, to appear before the proper examining board for examination at such time as the commander-in-chief may direct. No person who may be elected or recommended for appointment to any office, and who shall fail to pass the required examination, or whose election or appointment shall be disapproved by the commander-in-chief, shall be eligible for election or appointment to such office for at least one year thereafter.

§ 30. All petty officers of divisions, on recommendation of the commanding officer of their divisions, shall be appointed by warrant by the commanding officer of the Naval Reserve, provided they shall have passed an examination prescribed by the officer issuing the warrant.

The commanding officer of the naval reserve is empowered to detail an officer or officers to conduct such examinations.

§ 31. The commander-in-chief shall have power to assign any officer, warrant or petty officer, or seaman of the United States navy detailed for or assigned to duty with the naval brigade, as instructor or otherwise, to such duties as he may deem proper and suitable, and shall have power to confer upon any such officer, warrant or petty officer, or seaman, such rank in the naval service of the State, during such detail or assignment as he may deem best.

Amend section 1, article IV, to read as follows:

§ 1. The assistant surgeons general shall be assigned to the staffs of the division and brigade commanders, and shall be appointed and commissioned by the commander-in-chief upon the recommendation of the respective division and brigade commanders concurred in by the surgeon general; surgeons with the rank of major, or relative rank of lieutenant commander in the naval reserve, shall be assigned to regiments of infantry and cavalry and the Naval Reserve, respectively, and shall be appointed and commissioned by the commander-in-chief upon the recommendation of the several regimental commanders, and the commander of the Naval Reserve, respectively, concurred in by the surgeon general, and after having passed such examination as the surgeon general may prescribe, assistant surgeons with the rank of captain and past assistant surgeons with the rank of lieutenant in the naval reserve, shall be assigned to regiments of infantry, cavalry and battalions of artillery and the Naval Reserve, respectively, and shall be appointed and commissioned by the commander-in-chief upon the recommendation of the respective regimental commanders, the artillery battalion commander and the commander of the naval reserve, respectively, concurred in by the surgeon general, and after having passed such examination as the surgeon general shall prescribe; the assistant surgeon, with the rank of first lieutenant, as secretary to the surgeon general, shall be appointed and commissioned upon the recommendation of that officer; other assistant surgeons, with the rank of first lieutenant, shall be assigned in the proportion of two to each regiment of infantry, cavalry and battalion of artillery and assistant surgeons with the rank of lieutenant, junior

grade, in the naval reserve, to the naval reserve, in such manner as to subserve the best interests of that service, and shall be appointed and commissioned by the commander-in-chief upon the recommendation of the several regimental commanders, artillery battalion commander and the commander of the Naval Reserve, respectively, concurred in by the surgeon general, and after having passed such an examination as the surgeon general may prescribe; the acting assistant surgeons as dental surgeons, with the rank of first lieutenant, shall be assigned to the regiments of infantry and cavalry, and shall be appointed and commissioned by the commander-in-chief, upon the recommendation of the respective regimental commanders, concurred in by the surgeon general, and after having passed such examination as the surgeon general may prescribe.

Amend section 2, article IV, to read as follows:

§ 2. Assistant surgeon of the original grade of first lieutenant (in the National Guard) or lieutenant, junior grade (in the Naval Reserve), provided for in the preceding section, shall after five years of service be entitled to the rank of captain or lieutenant respectively.

Amend article XII by adding thereto a new section, to be numbered and known as section 11:

§ 11. A person, who either by himself or with another, wilfully deprives a member of the National Guard or Naval Reserve of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said National Guard or Naval Reserve or his employer in respect of his trade, business or employment, because said member of said National Guard or Naval Reserve is such member, or dissuades any person from enlistment in the said National Guard or Naval Reserve by threat of injury to him in case he shall so enlist, in respect of his employment, trade or business, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500). And it shall be the duty of the State's Attorney of the county wherein said information is made or offense committed, to prosecute said action in the name of the People of the State of Illinois.

APPROVED May 28, 1907.

PAY OF OFFICERS AND ENLISTED MEN.

§ 1. Amends section 2, article XI, Act of 1903.

§ 2. As amended allows officers full pay during encampment.

(SENATE BILL NO. 384. APPROVED MAY 17, 1907.)

AN ACT to amend section 2, article XI, of an Act entitled, "An Act to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903; in force July 1, 1903.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 2 article XI, of an Act entitled, "An Act to establish a military and naval code for the

State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903; in force July 1, 1903, be and the same is hereby amended so as to read as follows:

§ 2. The officers shall receive the pay provided in the preceding section, and the enlisted men shall receive one dollar (\$1.00) for each day's service with transportation and necessary subsistence at any encampment, field maneuver or cruise authorized by law, or other military duty not specified in the preceding section, ordered by the commander in chief, for the purpose and in the manner herein provided.

Provided, nothing in this Act shall be construed as to allow pay to officers and men for more than twelve (12) days in any one year, except during a time of riot, insurrection or invasion, or while on duty under orders of the commander in chief.

And, provided, further, that enlisted men of the Illinois National Guard and Naval Reserve when on duty at camp of instruction, field maneuver or cruise or naval maneuvers, pursuant to orders of the President of the United States, and where the United States pays the cost of transportation and subsistence for such duty, shall receive from the State of Illinois the pay provided for like duty in this section, in addition to such pay as may be allowed by the United States.

APPROVED May 17, 1907.

STATUTES.

COMMISSIONERS OF UNIFORM STATE LAWS.

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| § 1. Creates commission for uniformity of legislation in the United States. | § 2. Duties—report to Governor. |
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(HOUSE BILL NO. 411. APPROVED JUNE 3, 1907.)

AN ACT to create and establish a commission for the promotion of uniformity of legislation in the United States, for the appointment of members of said commission and to prescribe their duties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* There is hereby created a commission which shall be styled "Commission for the Uniformity of Legislation in the United States," to consist of five persons to be appointed by the Governor and who shall hold office for the term of four years respectively, and until their successors are appointed. Said commissioners shall be known as "commissioners of uniform State laws."

§ 2. It shall be the duty of said commission to examine the subjects of marriage and divorce, commercial paper, insolvency, form of notarial certificates, descent and distribution of property, acknowledgment of deeds, execution and probation of wills, and all other subject [subjects] on which uniformity is desirable with the laws of other states, to ascertain the best means to effect uniformity in the laws of

the states and to represent the State of Illinois in convention, conference or congress of like commissions heretofore appointed or to be appointed by other states to consider and draft uniform laws to be submitted for the approval and adoption by the several states and to devise and recommend such other course of action as shall best accomplish the purpose of this Act. Such commissioners shall report to the Governor at least thirty days before the convening of the biennial session of the General Assembly and the Governor shall submit to the General Assembly such report with his recommendation, if any, in reference thereto.

APPROVED June 3, 1907.

TOWNSHIP ORGANIZATION.

CITY TERRITORY ORGANIZED AS A TOWN.

§ 1. Amends sections 4 and 5, Act of 1877.

§ 4. Powers of city council.

§ 5. Consolidation and discontinuance of officers—poor master appointed by county board.

(HOUSE BILL NO. 175. APPROVED MAY 17, 1907.)

AN ACT to amend sections four and five of an Act entitled, "An Act to authorize county bonds in counties under township organization to organize certain territory situated therein as a town," approved May 23, 1877, in force July 1, 1877, and as amended by Act approved June 18, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections four and five of an Act entitled, "An Act to authorize county boards under township organization to organize certain territory situated therein as a town," (approved May 23, 1877, in force July 1, 1877, and as amended by Act approved June 18, 1883, in force July 1, 1883), be and the same are hereby amended so as to read as follows:

§ 4. All the powers vested in such towns, including all the powers now vested by law in the highway commissioners of such town, shall be exercised by the city council, except the appointment of poor master.

§ 5. The city council in such city and town, may by ordinance, provided that the officers of city and town clerk shall be united in the same person; that the officers of city treasurer and town collector shall be united in the same person; that the office and election of highway commissioners shall be discontinued. The poor master in such city and town shall be appointed by the county board.

APPROVED May 17, 1907.

TOWN HALLS IN TOWNS CO-EXTENSIVE WITH CITIES.

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| § 1. Petition—form of proposition—election—amount and denomination of bonds. | § 2. Sale of bonds—levy and collection of annual tax. |
| | § 3. Explanatory. |

(HOUSE BILL NO. 691. APPROVED APRIL 22, 1907.)

AN ACT to enable towns, the boundaries of which are co-extensive with cities, to build or purchase a town hall, and a site for the same, to levy a tax and to issue bonds therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever it is desired to build or purchase a town hall in any town in counties under township organization in this State, the boundaries of which are co-extensive with the limits of an incorporated city, twenty-five electors of such town may, before the time of giving notice of the annual town meeting, file with the town clerk a petition in writing that the proposition of building or purchasing of a town hall, as the case may be, and the issuing of bonds therefor, be submitted to the voters of such town at the next ensuing general election, which proposition shall be clearly stated in the petition substantially as follows: "To borrow \$. to build or purchase (as the case may be) a town hall and to issue bonds therefor," and thereupon such petition shall be filed in the office of the town clerk of such town. Upon the filing of said petition above specified, it shall be the duty of the town clerk to submit said proposition to the legal voters of said town at the next ensuing general election. Said vote shall be by ballot upon which shall be written or printed: "For borrowing \$. to (here insert build or purchase) a town hall, and to issue bonds therefor," or "Against borrowing \$. to (here insert build or purchase) a town hall, and to issue bonds therefor," and if a majority of the votes at such election on that question shall be "For borrowing \$. to (build or purchase as the case may be) a town hall, and to issue bonds therefor," such town shall be authorized to issue such bonds in denominations of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) each, payable respectively in not less than one, nor more than twenty years, with interest payable annually of not more than six per centum per annum. The amount of the bonds so issued shall not exceed two per centum on the value of such taxable property of such town as ascertained by the assessment for the State and county tax for the preceding year, nor shall the amount of the said bonds exceed, including the then existing indebtedness of such town, five per centum on the value of such taxable property of such town as ascertained by the assessment for the State and county tax for the preceding year. The above question may be submitted to the voters of any such town at a special election in the following manner: The city council of the city whose territory is co-extensive with such town, may direct by ordinance that the question of "Borrowing \$. to build or purchase (as the case may be) a town hall and issue bonds therefor" be submitted to popular vote at a special election to be held at least thirty (30) days after

the passage of such ordinance. The city clerk shall thereupon certify the passage of such ordinance to the town clerk, whereupon it shall be the duty of the town clerk to submit said proposition to popular vote in the manner above set forth. Said town clerk shall give at least thirty (30) days' notice of such election by publishing a notice thereof in one or more newspapers of general circulation within such city. If a majority of the votes at such special election cast on that question shall be "For borrowing \$. to (build or purchase, as the case may be) a town hall and to issue bonds therefor" such town shall be authorized to issue such bonds and proceed in the same manner as above provided if the same had been a general election.

§ 2. If it shall appear that a majority of the legal voters voting on said proposition shall be in favor of said proposition the supervisor and town clerk shall issue a sufficient amount, in the aggregate, of the bonds of said town for the purpose of building or purchasing, as the case may be, of such town hall, not to exceed the amount so voted upon as aforesaid: *Provided*, that said bonds shall not be sold or disposed of for less than their par value, and the city council of the city whose territory is co-extensive with such town shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty (20) years from the time of contracting the same, the amount of which tax shall be certified to the county clerk by the town clerk annually at the time required by law, and shall be by the county clerk extended against the taxable property of such town, as other taxes, and shall be collected at the same time, and in the same manner as other taxes are collected, and when so collected shall be held by the town collector as a fund out of which shall be paid the said bonds and the interest thereof, according to the tenor and effect thereof upon the order of the supervisor and town clerk.

§ 3. The building or purchasing of a town hall, as used in this Act, shall be held to mean and include the purchasing of real estate upon which to build the same, or upon which the same is situated, as well as to build or purchase said town hall.

APPROVED April 22, 1907.

JOINT RESOLUTIONS.

ADJOURNMENT—JANUARY 10 TO JANUARY 15.

(Senate Joint Resolution No. 1.)

Resolved by the Senate, the House of Representatives concurring therein.
That when the two houses adjourn on Thursday, January 10, 1907, they stand adjourned until Tuesday, January 15, 1907, at 10:00 o'clock a. m.

Adopted by the Senate January 10, 1907.

Concurred in by the House January 10, 1907.

ADJOURNMENT—JANUARY 24 TO JANUARY 29.

(House Joint Resolution No. 6.)

Resolved by the House of Representatives, the Senate concurring herein.
That when the two houses adjourn Thursday, January 24, 1907, they stand adjourned until Tuesday, January 29, 1907, at 10:00 o'clock a. m.

Adopted by the House January 24, 1907.

Concurred in by the Senate January 24, 1907.

ADJOURNMENT—JANUARY 31 TO FEBRUARY 5.

(House Joint Resolution No. 10.)

Resolved, by the House of Representatives, the Senate concurring herein.
That when the two houses adjourn on Thursday, January 31, they stand adjourned until Tuesday, February 5, at 10:00 o'clock a. m.

Adopted by the House January 31, 1907.

Concurred in by the Senate January 31, 1907.

ADJOURNMENT—FEBRUARY 21 TO FEBRUARY 26.

(House Joint Resolution No. 15.)

Resolved, by the House of Representatives, the Senate concurring herein.
That when the two houses adjourn on Thursday, February 21, 1907, they stand adjourned until Tuesday, February 26, 1907, at 10:00 o'clock a. m.

Adopted by the House February 21, 1907.

Concurred in by the Senate February 21, 1907.

ADJOURNMENT—MARCH 28 TO APRIL 3.

(House Joint Resolution No. 25.)

WHEREAS, The township election in counties under township organization in this State and the election of officers in the city of Chicago and other cities will be held on Tuesday, the second day of April, therefore,

Be it resolved, By the House of Representatives of the State of Illinois, the Senate concurring therein, That when the House and Senate adjourn on Thursday, the 28th day of March, they shall stand adjourned until 10:00 o'clock a. m., Wednesday, April 3.

Adopted by the House March 28, 1907.

Concurred in by the Senate March 28, 1907.

ADJOURNMENT—APRIL 12 TO APRIL 17.

(Senate Joint Resolution No. 14.)

Resolved by the Senate, the House of Representatives concurring herein, That when the two houses adjourn on Friday, April 12, 1907, they stand adjourned until Wednesday, April 17, 1907.

Adopted by the Senate April 11, 1907.

Concurred in by the House, April 11, 1907.

ADJOURNMENT—MAY 11 TO MAY 15.

(House Joint Resolution No. 31.)

WHEREAS, The General Assembly of the State of Illinois is now ready to adjourn, having transacted such business as in its judgment requires its attention at this time; and,

WHEREAS, Upon Friday, May 10, the Governor of the State of Illinois did transmit to the General Assembly a message calling the attention of the General Assembly upon that date to the need of legislation concerning a plan of deep water way; and,

WHEREAS, The General Assembly is desirous of considering said message; be it

Resolved, by the House of Representatives, the Senate concurring therein, That the General Assembly shall adjourn at the conclusion of its session on Saturday, May 11, until Wednesday, May 15, at the hour of 12:00 o'clock noon, at which time it shall reconvene for the purpose of considering the message of the Governor of the State of Illinois with reference to a plan of deep water way, and that when the General Assembly reconvenes on Wednesday, at the House of Representatives, at 12:00 o'clock noon, that the only business to be transacted by said General Assembly or considered at that time, shall be with reference to said plan of deep water way.

Be it further Resolved, That when said General Assembly shall adjourn upon said Saturday, May 11, all bills and resolutions upon the calendar in both houses or in all committees, not finally disposed of, shall lie upon the table under a special rule of both houses of the General Assembly hereby adopted.

Adopted by the House May 11, 1907.

Concurred in by the Senate May 11, 1907.

ADJOURNMENT—MAY 16 TO OCTOBER 8.

(Senate Joint Resolution No. 21.)

WHEREAS, On Friday, May 10th, the Governor of the State of Illinois transmitted to the General Assembly a message calling the attention of the General Assembly to the need of legislation concerning deep waterways; and,

WHEREAS, On that date the General Assembly at that time was about ready to adjourn *sine die*; and,

WHEREAS, For the purpose of considering the subject matter of the Governor's message the General Assembly took a recess until Wednesday, May 15th, for the purpose, if possible, of reconciling the conflicting interests in relation to said deep waterway, between the parties at that time most directly interested; and,

WHEREAS, During said recess there have been various meetings of the committees of the House and Senate both several and joint, for the purpose, if possible, of agreeing upon a measure satisfactory to all interests, that the same might be passed at this time; and,

WHEREAS, The parties directly in interest have failed to agree upon any legislation satisfactory to the General Assembly at this time; and,

WHEREAS, At a joint meeting of the two houses, on Wednesday, May 15th, it was apparent that the subject matter of the Governor's message was of general interest to the entire State of Illinois, and that some legislation should be enacted in the very near future; and,

WHEREAS, The members of the General Assembly are desirous of fully investigating said subject, and believing that the same can not be so investigated at this time, so as to justify intelligent action upon the part of the General Assembly, and that in order to protect all of the interests of the State of Illinois, it is deemed wise that the General Assembly take a recess for the purpose of considering the subject matter of the Governor's message, and all bills in relation thereto; and,

WHEREAS, The parties directly interested, and who had failed to agree upon the proper legislation at this time, announced that such recess would be acceptable to them, and in the interests of careful and proper legislation; therefore, be it

Resolved, by the Senate, the House of Representatives concurring therein, That in order to carefully consider the subject matter of the Governor's message in relation to deep waterways, and for the purpose of carefully investigating and examining said subject, to the end that the interests of the State of Illinois may be properly protected by such legislation; be it further

Resolved, that when the General Assembly shall conclude its session on Thursday, May 16, 1907, it shall take a recess until Tuesday, October the 8th, 1907, when it shall again reconvene for the purpose of considering the subject matter herein above stated.

Adopted by the Senate May 16, 1907.

Concurred in by the House May 16, 1907.

BLUE BOOK.

(House Joint Resolution No. 21.)

Be it Resolved, by the House of Representatives of the State of Illinois, of the Forty-fifth General Assembly, the Senate concurring therein, That the Secretary of State is hereby directed to prepare for distribution a "Blue Book" for this year and biennially hereafter. And be it further

Resolved, That the Appropriation Committees of both House and Senate are hereby requested to appropriate three thousand dollars for the expense of compiling, publishing and distributing the same.

Adopted by the House March 21, 1907.

Concurred in by the Senate March 26, 1907.

BRIDGE ACROSS HAMBURG BAY IN CALHOUN COUNTY.

(Senate Joint Resolution No. 3.)

Resolved, by the Senate, the House of Representatives concurring therein, That the consent of the General Assembly of the State of Illinois be and the same is hereby given to the county commissioners of Calhoun county *et al*

to construct an iron and wooden bridge across Hamburg bay at a point called the Narrows, on the northeast quarter of section thirty-two, township No. 8, north of range No. three and west of the fourth principal meridian, county of Calhoun and State of Illinois. Said bridge when constructed to be a wagon and foot bridge to be used for the general convenience of the public, subject to such regulations as may be approved by the War Department of the United States.

Adopted by the Senate January 16, 1907.

Concurred in by the House January 23, 1907.

CANVASS OF ELECTION RETURNS.

(House Joint Resolution No. 1.)

Resolved, by the House of Representatives, the Senate concurring herein, That the two houses meet in joint session in the hall of the House of Representatives on Thursday, the 10th day of January, A. D. 1907, at the hour of eleven o'clock a. m., for the purpose of canvassing the returns of the election for State officers held on the 6th day of November, A. D. 1906, as required by the constitution of this State.

Adopted by the House January 9, 1907.

Concurred in by the Senate January 10, 1907.

CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

(House Joint Resolution No. 29.)

WHEREAS, The Illinois Northern Hospital for the Insane has no direct connection with any railroad, thereby causing unnecessarily great expense in handling freight,

Resolved, by the House of Representatives, the Senate concurring herein, That the board of trustees of the said Illinois Northern Hospital for the Insane be and hereby is authorized and empowered to enter into a contract with the Chicago and Northwestern Railway Company to construct and operate a switch track into and upon the grounds of the said Illinois Northern Hospital for the Insane.

Adopted by the House May 10, 1907.

Concurred in by the Senate May 11, 1907.

DEATH OF DANIEL BUETTNER.

(House Joint Resolution No. 3.)

WHEREAS, It has pleased Almighty God in His infinite wisdom to remove from our midst, our colleague and friend, the Honorable Daniel Buettner, of Chicago, Illinois, who was an honored member of the Forty-fourth and Forty-fifth General Assembly, and,

WHEREAS, By his integrity, his genial disposition and his consistent application to his duties as a member of this body as well as by his upright and honorable conduct as a man and a citizen, he has endeared himself to all, therefore, be it

Resolved, by the House of Representatives, the Senate concurring therein, That we hereby express our most profound sorrow at the untimely end of our friend and brother, and that we hereby extend to the bereaved wife and family our heart-felt sympathy in the loss of a kind and loving husband and father, and be it further

Resolved, That as a further mark of our esteem for the deceased and our sympathy for the bereaved family, a joint committee of the House and Senate be appointed, consisting of nine members, six from the House and three from the Senate, to make all necessary arrangements in regard to the funeral, and the said committee is hereby authorized to draw on the contingent expense fund for any necessary expense incurred in relation thereto, and be it further

Resolved, That the members of the House and Senate be hereby invited to attend the funeral services in a body, and be it further

Resolved, That said committee be and it is hereby authorized to arrange for suitable memorial services to be held in the hall of the House of Representatives and that, as a further mark of respect, that when the General Assembly adjourns today it stand adjourned until Tuesday, January twenty-second, nineteen hundred and seven, at 10:00 o'clock a. m.

The Speaker has appointed on the part of the House, as members of said joint committee, Messrs. Sollitt, Schumacher, Kowalski, Brady, Pattison and McNally.

The President of the Senate appointed as the committee on the part of the Senate provided for in the foregoing resolution, Senators Ettelson, McShane and Rainey.

Adopted by the House January 17, 1907.

Concurred in by the Senate January 17, 1907.

DEEP WATER WAY —JOINT COMMITTEE MEETING.

(Senate Joint Resolution No. 20.)

Be it Resolved by the Senate, the House of Representatives concurring herein, That the Governor's message of May 10, 1907, on the subject of "Deep Water Way" be and the same is hereby referred to a joint committee consisting of the Committee on Sanitary District Affairs of the Senate and the Committee on Drainage and Water Ways in the House. Said committee to report to the General Assembly on Wednesday, May 15, 1907, together with its recommendations.

Said committee to meet at such time and place as the chairman of said committees may designate.

Be it further Resolved, That for the purpose of affording the members of this General Assembly access to maps and charts and participation in the deliberations concerning the proposed legislation concerning the deep water way project, in conformity with the Governor's message of May 10, 1907, all members of this General Assembly are hereby invited to be present at the meetings of said joint committee.

Adopted by the Senate May 11, 1907.

Concurred in by the House May 11, 1907.

ELECTION OF UNITED STATES SENATOR.

(House Joint Resolution No. 2.)

Resolved, by the House of Representatives, the Senate concurring herein, That on Tuesday, the 22nd day of January, 1907, at 11:00 o'clock a. m., each house shall, by itself, and in the manner prescribed by sections 14 and 15 of the Revised Statutes of the United States, name a person for Senator in the Congress of the United States from the State of Illinois, for a term of six years, from the 4th day of March, A. D. 1907. And on Wednesday, the 23rd day of January, 1907, at 12:00 meridian, the members of the two houses shall convene in joint assembly in the hall of the House of Representatives, and in the manner prescribed by law declare the person who has received a majority of the votes of each house, if any person has received such majority, duly elected Senator to represent the State of Illinois in the Congress of the

United States for the term aforesaid. And if no person has received such majority, then proceed as prescribed in said law in joint assembly to choose a person for the purpose aforesaid.

Adopted by the House January 10, 1907.

Concurred in by the Senate January 10, 1907.

ELECTION OF UNITED STATES SENATORS BY DIRECT VOTE OF THE PEOPLE.

(House Joint Resolution No. 12.)

Resolved, by the House of Representatives of the State of Illinois, the Senate concurring therein, That application is hereby made to the Congress under the provisions of article 5 of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States, making the Senators of the United States elective in the several states by direct vote of the people; and,

Resolved, further, That the Secretary of State is hereby directed to transmit copies of this application to the Senate and House of Representatives of the Congress, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several states, requesting their coöperation.

Adopted by the House May 9, 1907.

Concurred in by the Senate May 10, 1907.

ELGIN AND BELVIDERE ELECTRIC COMPANY.

(House Joint Resolution No. 5a.)

Resolved, by the House of Representatives, the Senate concurring therein, That authority is hereby granted to the trustees of the Illinois Northern Hospital for the Insane to permit the Elgin and Belvidere Electric Company to erect a line of poles and string wires thereon for the transmission of electricity upon and over the grounds of the hospital, upon such terms and under such instructions as said trustees may impose.

Adopted by the House January 29, 1907.

Concurred in by the Senate April 4, 1907.

ELGIN, CITY OF—PERMISSION TO CONSTRUCT OUTLET SEWERS.

(Senate Joint Resolution No. 7.)

WHEREAS, The city of Elgin, a municipal corporation organized and existing under and by virtue of the laws of the State of Illinois, is about to lay and construct its system of storm and sanitary sewers in that part of its territory lying west of Fox river immediately north of and adjoining the land of the State of Illinois, comprising the Northern Hospital for the Insane, at Elgin; and,

WHEREAS, The land hereinafter mentioned and belonging to said State is within the corporate limits of said city; and,

WHEREAS, It will be of great benefit to said lands and said hospital to have the adjacent territory properly seweraged and put in a good sanitary condition; and,

WHEREAS, It is necessary on account of the topography of the land to pass over a portion of the land so owned by said State; therefore be it

Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein, That permission and authority is hereby granted to the said city of Elgin to lay, construct and maintain at least one and one-half feet underground sewer outlets of cement-concrete construction for said

systems of sanitary and storm water sewers over the said land of the State along a straight line commencing at a point opposite the center line of Hendee street in said city, and running thence southeasterly through a point in the northwesterly bank of Fox river, which is about 338.7 feet southwesterly from the westerly end of the abutment under the track of the Chicago and Northwestern Railway Company, and thence continuing to the southeasterly line of said State land. The construction shall be of such firmness and strength as to sustain the soil above it, and shall be of no greater width than ten feet between the outside border lines thereof, and shall be along said straight line hereinabove fixed and described. It shall have proper and necessary manholes to enable the same to be kept in a good workable condition at all times, and said city shall at all times maintain the same in good repair and condition.

Adopted by the Senate March 6, 1907.

Concurred in by the House March 7, 1907.

EMPLOYMENT OF WOMEN AND CHILDREN.

(House Joint Resolution No. 27.)

Resolved, by the House of Representatives, the Senate concurring herein, That we ask the Congress of the United States to provide that the proposed report on the employment of women and children be placed under the direction of the Bureau of Labor in the Department of Commerce and Labor, to the end that a scientific investigation may be made into the economic and social results of such employment; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the Secretary of State to the President of the United States, to the Governors of each of the states and territories, to the president and speaker and chief clerks of both houses of Congress, to each of the chief clerks of the legislature of each of the states and territories, and to the chief statistician of the Bureau of Labor and Commerce.

Adopted by the House May 9, 1907.

Concurred in by the Senate May 9, 1907.

GENERAL ASSEMBLY—NEW FURNITURE FOR SENATE AND HOUSE.

(House Joint Resolution No. 11.)

WHEREAS, The desks and chairs of the members of the Senate and House of the General Assembly have been in use for the past thirty-one years, many of them are much defaced and in bad order, all are poorly planned and illy suited to their purposes. The desks are so constructed that they are easily opened by sneak thieves and the contents abstracted and the chairs are especially uncomfortable; and,

WHEREAS, Intelligent legislation requires frequent reference to the Revised Statutes, session laws and official State reports; and,

WHEREAS, The members of the General Assembly ought to be provided by the State with chairs which are reasonably comfortable and with desks of sufficient capacity in which can be safely kept under lock and key the statutes, session laws, official reports of the State, and all necessary stationery, writing materials, postage, etc. Now, therefore, be it

Resolved, by the House of Representatives of the Forty-fifth General Assembly of the State of Illinois, the Senate concurring herein, That a commission of five persons to consist of the Secretary of State, the Superintendent of the Capitol building, two members of the House, to be appointed by the Speaker, and one member of the Senate, to be appointed by the President of the Senate.

Be, and is hereby created, and is hereby given full power and authority to purchase or cause to be constructed the number of desks and chairs required

for the use of the members of the House and Senate, together with suitable chairs for the Speaker of the House and President of the Senate, of reasonable cost, in style harmonizing with the finish and furniture of the hall of the House and Senate chamber and of modern construction suited to the needs of the members, ready for use at as early a date as practicable, such furniture to be constructed in some State institution if found practicable and within the law; and be it further

Resolved, That the necessary funds for the purpose above specified be ascertained and appropriated in the usual manner, and that the commission report its acts in the premises to this or the next General Assembly and file therewith vouchers for all disbursements, all services to be rendered by such commission to be without compensation.

Adopted by the House February 20, 1907.

Concurred in by the Senate March 7, 1907.

HISTORICAL LIBRARY—LOAN OF ARTICLES.

(House Joint Resolution No. 23.)

WHEREAS, The Illinois State Commission to the Ter-Centennial Exposition at Jamestown, Virginia, to be held in the vicinity of Jamestown, Virginia, during the present year, has requested the board of trustees of the Illinois State Historical Library to loan certain articles, pictures, relics, and documents now in the possession of said board of trustees; and,

WHEREAS, It seems desirable that the request be granted; and therefore,

Resolved, by the House of Representatives, the Senate concurring therein, That the board of trustees of the Illinois State Historical Library, be and are hereby authorized to loan to the Illinois State Commission to the Jamestown Ter-Centennial Exposition for the Illinois State exhibit at said exposition, such historical relics, documents, pictures, and other articles, etc., under its control, as said commission may deem necessary for said Illinois State exhibit: *Provided*, that said commission shall return at the conclusion of said exposition, to the custody of the Illinois State Historical Library Board all such relics, documents, pictures, and other articles, etc., in as good condition as when taken away, and without expense to said library board.

Resolved, That such additional historical matter collected by the Illinois Commission for making said exhibit, shall at the close of the exposition be the property of the State of Illinois, and shall be placed in the Illinois State Historical Library at Springfield, Illinois.

Adopted by the House March 27, 1907.

Concurred in by the Senate March 27, 1907.

IMPROVEMENT OF STREETS ADJOINING WEST PARK SYSTEM, CHICAGO.

(Senate Joint Resolution No. 2.)

WHEREAS, By virtue of a decision of the Supreme Court of Illinois, in the case of West Park Commissioners vs. The City of Chicago, 152 Ill., 392, it has practically been decided that park boards have not the power to pay, out of park funds, for the pavement and other improvements of streets surrounding or abutting upon park property, and,

WHEREAS, The said decision has been reinforced in an opinion of Hon. W. H. Stead, Attorney General of Illinois, to Governor Charles S. Deneen, under date of January 18, 1906, in which he says in conclusion: "In my opinion said West Park Commissioners have no lawful authority to pay any part of the costs of such improvements (meaning street improvements)," and,

WHEREAS, By virtue of said decision a deplorable condition has arisen, practically making street improvements of any kind and nature impossible, where such streets are surrounding or abutting on the West Park system,

the park commissioners being prevented from voting park funds for such improvements, and,

WHEREAS, The burden of paying for street improvements for the entire width of street, as above situated, would be greater than the property located one one side of street, could support; and,

WHEREAS, If improvements are to be delayed until paid for out of any general fund not now in existence, the streets will meanwhile become impassable.

Therefore be it Resolved by the Senate, the House of Representatives concurring herein, That a committee of five Senators and five Representatives be appointed by the presiding officers of their respective houses to arrange for a conference with a like committee of five from the members of each of the West Park, South Park and Lincoln Park boards, and likewise a committee of five from the city council of the city of Chicago; said committee to evolve a plan of assessment equitable alike to the park systems, the city of Chicago and the abutting property owners;

And be it further Resolved, That the secretary of the Senate and the clerk of the House forward to the mayor of the city of Chicago, and to the presidents of the South, West and Lincoln park systems, a copy of these resolutions, requesting the appointment of the said committees in conformity herewith.

Adopted by the Senate January 23, 1907.

Concurred in by the House January 29, 1907.

JACKSONVILLE WATERWORKS COMPANY—EASEMENT.

(House Joint Resolution No. 4.)

WHEREAS, The Jacksonville Water Works Company, a corporation duly organized under the laws of the State of Illinois, is building and constructing a pipe line to force and convey water from the sand beds adjacent to the Illinois river into the city of Jacksonville, for the purpose of supplying the said city of Jacksonville and the consumers and inhabitants therein with water; and,

WHEREAS, Said pipe line, as surveyed and located, passes through a portion of what is known as the farm or lands of the Illinois School for the Deaf, located at Jacksonville, Illinois; and,

WHEREAS, The trustees of said Illinois School for the Deaf have no power to sell or convey said lands; therefore, be it

Resolved, by the House of Representatives, the Senate concurring herein, That permission and authority are hereby granted to the Jacksonville Water Works Company, for the uses and purposes of said water works company, for itself, its successors and assigns, to enter upon, construct, maintain and operate it, along, upon and across that part of the northwest quarter of section nineteen (19), in township fifteen (15) north, range ten (10) west of the third principal meridian, and that part of the northeast quarter of the northeast quarter of section twenty-four (24), in township fifteen (15) north, range eleven (11) west of the third principal meridian, and also a part of lot five (5) in James Dunlap's west addition to Jacksonville, formerly known as the Morgan County Fair Grounds, and now belonging to the Illinois School for the Deaf, a twenty (20) inch forcing main to be used for the purpose of supplying water to the city of Jacksonville and the consumers and inhabitants therein, and to intermediate points along said main and for no other purpose whatever.

This permission and authority to be construed only as an easement to the said Jacksonville Water Works Company to enter upon the lands aforesaid for the purpose of laying, maintaining, repairing and inspecting the said pipe line aforesaid and shall not extend more than twenty (20) feet on each side of the center line of said pipe line; it being expressly understood that the title to the real estate shall remain in the Illinois School for the Deaf. Said forcing main shall extend through and across said described premises, in accordance with the regulations and shall be constructed under the super-

vision of the trustees of the said Illinois School for the Deaf. Said Jacksonville Water Works Company shall pay to the said trustees of the Illinois School for the Deaf all damages which may be done to said real estate and crops growing thereon or any other damage which said Illinois School for the Deaf may suffer on account of the laying, maintaining, repairing, or inspecting said pipe line, now or at any other time hereafter.

The trustees for the said Illinois School for the Deaf, or their agents, shall have the full right to cross over the said pipe line and to farm or use for the purposes of said Illinois School for the Deaf, the lands on said right of way, the same as they had previous to the construction of the same, subject, however, to the right of the Jacksonville Water Works Company to enter upon said land to inspect or make repairs to said pipe line or its appurtenances.

The said Jacksonville Water Works Company, their successors or assigns, in consideration of the permission and easement above granted to it, hereby covenants and agrees that it will at the time of the construction, or any time thereafter, put a tap or taps, a connection or connections in its said water main at such point or points upon the said lands of the Illinois School for the Deaf as the trustees thereof may designate, and will through such tap or taps, such connection or connections, supply and furnish to the Illinois School for the Deaf, or any other State institution located at the city of Jacksonville, Illinois, when requested such water as the said Illinois School for the Deaf or any other State institution located at the city of Jacksonville may require for the use of the said Illinois School for the Deaf or any other said institution located in the city of Jacksonville, Illinois, at a rate to be agreed upon by the trustees of the said Illinois School for the Deaf, or the trustees of any other said institution located at Jacksonville, Ill., and the said Jacksonville Water Works Company, said rate agreed upon shall not exceed in any case the rate for which water is furnished to the most favored consumer or consumers in the said city of Jacksonville, provided that the trustees of the Illinois School for the Deaf, or the trustees of any other said institution located at Jacksonville, Ill., shall lay all necessary pipes to the pipe line aforesaid, and the Jacksonville Water Works Company shall then tap the water line or pipe and make the necessary connection or connections.

Adopted by the House, January 31, 1907.

Concurred in by the Senate, March 19, 1907.

LOGAN WAR TROPHIES, SOUVENIRS AND MEMENTOES.

(Senate Joint Resolution No. 9.)

WHEREAS, Mrs. John A. Logan, widow of the late General John A. Logan, has tendered to the State of Illinois the war trophies, souvenirs and mementoes collected and owned by her late husband, General John A. Logan, in his life time upon the conditions that the State shall set apart a memorial room adjoining Memorial hall in the Capitol building in Springfield, or the State arsenal, and undertake to properly care for and maintain such trophies, souvenirs, mementoes, etc., as an exhibit for the use of the public in a memorial room in the State Capitol; and,

WHEREAS, These trophies, souvenirs and mementoes are composed of a large number of articles, a list of which is attached to this resolution and are memorials of the late war together with the home and life of General John A. Logan, one of Illinois' most illustrious generals and the great volunteer general of the civil war, and also one of the great statesmen of Illinois and America, which trophies are of great value at present and will continue to grow more and more valuable as time rolls on; and,

WHEREAS, We believe it to be of importance that the State of Illinois should accept these trophies and should place them in a memorial room in the Capitol building for the use and benefit of the present and future generations, and to become a part of the history of our great State; and,

WHEREAS, It is the desire of the people of the State of Illinois to do everything possible to perpetuate the memory of General John A. Logan, therefore, be it

Resolved, By the Senate of the State of Illinois, the House of Representatives concurring therein, That we, representing the people of the State of Illinois, do hereby accept said trophies, souvenirs and mementoes as set forth in the exhibit hereto attached and tendered to us by Mrs. John A. Logan, widow of the late John A. Logan, and be it further

Resolved, That we accept them upon the conditions named by her, namely: That the State of Illinois provide a suitable memorial room adjoining Memorial hall in the Capitol building or State arsenal and assume and undertake from now and henceforth to properly care for said trophies, souvenirs and mementoes in a suitable manner and to maintain them as an exhibit in connection with Memorial hall in the Capitol building.

Be it further Resolved, That we hereby in behalf of the People of the State of Illinois tender to Mrs. John A. Logan, the beloved widow of General John A. Logan, the heartfelt thanks of the people of the State of Illinois for the patriotic sentiment that prompted her to remember the State of Illinois, and for presenting to the people of this State this splendid gift which will become a part of the history of the State of Illinois, and assure her of our continued love and respect for the memory of her deceased husband, General John A. Logan, and our continued admiration for his life and character and our very high appreciation of his services to Illinois and the country, and we accept these trophies, souvenirs and mementoes as a memorial and believe that they will continue to be a reminder to the people and an inspiration to coming generations, to pattern after the life of him whose memory they commemorate.

Adopted by the Senate March 13, 1907.

Concurred in by the House March 13, 1907.

MAJOR JOSEPH W. WHAM.

(House Joint Resolution No. 13.)

WHEREAS, A bill was unanimously passed by the Fifty-fifth Congress, and approved by the sainted McKinley, to right a great wrong done to Major Joseph W. Wham, United States Army; and,

WHEREAS, The provisions of the bill have never been executed; now therefore, be it

Resolved, by the House of Representatives, State of Illinois, the Senate concurring, That President Roosevelt and Congress are hereby requested to right this axiomatic injustice to this gallant old soldier of thirty-two battles for the Great Republic. A soldier who was repeatedly recommended by corps and division commanders for the medal of honor for gallantry in battle and who was honored by his old regimental commander, Grant, in the very last hour of his administration with the appointment of paying master in the regular army; who, on motion of Senator Logan, had a very unusual compliment of confirmation by the Senate without reference to the Military committee; and whose accounts, after the disbursement of sixteen millions of dollars, balanced—not a penny either way; and be it further

Resolved, That the Secretary of State is hereby instructed to forward a copy of these resolutions to the President, to the Vice President, to the Speaker of the House, to the Chairman of the Military Committee of the Senate and of the House, and to the Senators and members of Congress from Illinois.

Adopted by the House February 14, 1907.

Concurred in by the Senate February 20, 1907.

NORTHERN INSANE HOSPITAL—SALE OF SAND AND GRAVEL.

(Senate Joint Resolution No. 15.)

WHEREAS, Much of the surface of the hospital farm of the Illinois Northern Hospital for the Insane is worthless for farming purposes on account of the prevalence of sand and gravel; and,

WHEREAS, Said sand and gravel has a commercial value; therefore, be it
Resolved by the Senate, the House of Representatives concurring therein,
 that the trustees of the said Illinois Northern Hospital for the Insane are hereby authorized to sell sand and gravel from said hospital farm in such amounts and at such prices as they may deem advisable.

Provided, however, that no sand or gravel shall be removed from any part of said hospital farm or in such a manner as will result in injury to the foundations of existing buildings, or that would impair the value of any land available for farming purposes; and,

Provided, further, that all moneys obtained from the sale of sand or gravel shall be added to the "fund for repairs and improvements" of said institution and that an account of the moneys so received and expended through said "fund for repairs and improvements" be made a part of the regular report of said institution.

Adopted by the Senate May 9, 1907.

Concurred in by the House May 11, 1907.

OCCUPATIONAL DISEASES.

(House Joint Resolution No. 16.)

WHEREAS, The limited time at the disposal of the present session of the General Assembly is insufficient to take up, much less carefully consider the important subject of occupational diseases and diseases peculiar to the employment of persons in mercantile establishments, factories, mills, workshops, mining, railroading, electrical generating and construction; and,

WHEREAS, The health and safety of the vast army of employ  s in such establishments is of the most vital importance to the general security and prosperity of the commonwealth; and,

WHEREAS, It is well known that sickness, due to unwholesome conditions, is one of the chief causes of extreme poverty and distress, of the interruption of the use of costly machinery and other capital, of the destruction of the lives of men whose energies in health are a source of wealth to the nation and the support of dependent families, and thus become the occasion of immeasurable moral misery in the dread of apprehended trouble and the sorrow of actual bereavement; and,

WHEREAS, It is known that very much of disease may be prevented or diminished by suitable means and co  peration of an enlightened public; and,

WHEREAS, It is universally recognized as the moral duty of every civilized state to secure and publish information of vital importance to all citizens to promote safety and health, and to foster and regulate insurance against loss of income by accident and disease; therefore, be it

Resolved, by the House of Representatives, the Senate concurring herein, That the Governor is hereby authorized and requested to appoint a commission of nine members, to be composed of the State Factory Inspector, the secretary of the Bureau of Labor Statistics, the president and secretary of the State Board of Health, two reputable physicians and three other representative citizens of the State, who shall serve without remuneration, and whose duties shall be to thoroughly investigate causes and conditions relating to diseases in occupations, and to report to the Governor the draft of any desirable bill or bills, designed to meet the purposes announced in this resolution, for consideration and action by the members of the Forty-sixth General Assembly.

Adopted by the House March 12, 1907.

Concurred in by the Senate March 20, 1907.

RIVERS AND HARBORS BILL IN CONGRESS.

(House Joint Resolution No. 7.)

WHEREAS, The rivers and harbors bill, as prepared by Chairman Theodore E. Burton, gives nineteen million six hundred and twenty-five thousand dol-

lars to plans for improvement of the Great Lakes, one million one hundred thousand dollars to the harbor of Cleveland, four million dollars to the Ohio river,

WHEREAS, The rivers and harbors bill, as prepared by Chairman Burton, recommends only two hundred and fifty thousand dollars a year for the Mississippi river between St. Louis and Cairo, instead of six hundred and fifty thousand dollars a year, which has been the appropriation hitherto, by which small appropriation Chairman Burton abandons the plan of permanent improvement of that part of the Mississippi river which has been carried on by the Government since 1881, and so discourages navigation; and,

WHEREAS, The rivers and harbors bill, as prepared by Chairman Burton recommends an appropriation of one million dollars for the upper Mississippi from St. Louis to St. Paul, which appropriation is entirely inadequate to carry out the plan of a six-foot channel; and

WHEREAS, The rivers and harbors bill, as prepared by Chairman Burton, recommends no appropriation at all for beginning work on the deep water way from the lakes to the gulf, part of which deep water way has been already surveyed by the United States Engineer and declared feasible, and which, if the Missouri river and the upper Mississippi river were entirely improved, would completely relieve the freight congestion and regulate railway rates throughout every state of the Mississippi valley, and in which almost one-half of the area of the United States comprising the great Central valley thereof is vitally interested, opening up as it will the greatest internal water-ways of the world to the markets thereof, and in which the people of the State of Illinois are especially interested; be it

Resolved, by the House of Representatives, the Senate concurring herein, That the rivers and harbors bill, as prepared by Chairman Theodore E. Burton is a distribution of public money unfair to the forty million of people of the Mississippi valley;

Resolved, That we request the representatives of the State of Illinois in the United States House of Representatives to introduce, vote and work for:

First—An amendment increasing the appropriation for the Mississippi river between St. Louis and Cairo to one million dollars a year.

Second—An amendment making an appropriation for beginning the work on the Lakes-to-the-Gulf deep waterway.

Third—An amendment increasing the appropriation for the Mississippi river between St. Louis and St. Paul to two million dollars a year.

Resolved, That a copy of this joint and concurrent resolution be telegraphed by the Secretary of State to Chairman Theodore E. Burton and to the members of the United States House of Representatives from Illinois. And in case said amendments and appropriations as above set forth are not contained in the rivers and harbors bill when it passes the House of Representatives, then that a copy of this joint and concurrent resolution be telegraphed by the Secretary of State to the two United States Senators from Illinois to offer an amendment to said bill when it reaches the Senate of the United States, amending the same in accordance with the above provisions.

Adopted by the House January 29, 1907.

Amended by the Senate January 31, 1907.

Concurred in by the House January 31, 1907.

SOLDIERS' ORPHANS' HOME—CONVEYANCE OF LAND.

(House Joint Resolution No. 24.)

Be it Resolved, by the House of Representatives, the Senate concurring, That the board of trustees of the Soldiers' Orphans' Home, located at Normal, Illinois, is hereby authorized and empowered to convey by a quit claim deed at private sale all the right, title and interest of said home and the people of the State of Illinois in and to lots two (2) and three (3) in block thirty-seven (37) of Casseday's addition to Joliet, for the sum of not less than \$300.00.

Adopted by the House March 27, 1907.

Concurred in by the Senate April 24, 1907.

SUITS ON BONDS OF STATE TREASURERS AND STATE AUDITORS.

(Senate Joint Resolution No. 16.)

WHEREAS, In the year 1905 it came to the attention of the Governor of Illinois that it had been the custom for the various State Treasurers and State Auditors from the year 1872 to 1904—a period of thirty-two years—to retain certain moneys collected from various municipalities in this State, and known as moneys levied and collected from said municipalities for the purpose of defraying the ordinary costs and expenses to the State of collecting and disbursing what is known as the registered bond fund; and,

WHEREAS, The Governor, not considering himself sufficiently advised in the premises, referred the matter to his legal adviser, the Attorney General, for his opinion thereon, and that officer advised the Governor that the State Treasurers and State Auditors in question had no strict legal rights to retain said moneys; and,

WHEREAS, Thereupon suit was instituted upon the bond of one of said State Treasurers, and prosecuted to judgment, which judgment was on appeal affirmed by the Supreme Court of the State, deciding that said Treasurers and Auditors did not have the legal right to retain said moneys; and,

WHEREAS, It is probable that in consequence of said decision, suits will be instituted against all of said treasurers, and auditors, and their respective bondsmen; and,

WHEREAS, The Governor and the Attorney General are powerless in the premises except to carry such proceedings through to final judgment and collection if once undertaken; and,

WHEREAS, One of the oldest of the bonds in question is the bond of Charles Lippincott, State Auditor from 1873 to 1877, who has long since departed this life, leaving then surviving him Jacob Bunn and William Jayne, his bondsmen, of whom Jacob Bunn has long since died; and,

WHEREAS, The estate of the said Charles Lippincott, at the time of his retirement from said office in 1875 [1877], was worth at least fifty thousand dollars, but at the time of his death and ever since, was of no value; and,

WHEREAS, The said bondsman, Jacob Bunn, at the time of said Lippincott's retirement from said office was possessed of property to the amount of at least one million dollars, but which, at the time of his death and ever since was of no value, he having incurred indebtedness to such an extent that he was adjudged a bankrupt under the laws of the United States; and,

WHEREAS, The said William Jayne had no knowledge of the retention of said moneys by the said Lippincott, Auditor, or of the illegality of such retention, and hence could not demand payment thereof to the State, or to anyone for it, or to the bondsmen, or take any steps to protect himself during the lifetime and solvency of said Lippincott, and remained equally ignorant of his liability on said bond until long after the death of Mr. Bunn, his fellow surety, and so could not in any way compel contribution by said Bunn during his life time and solvency; and,

WHEREAS, Through such want of knowledge as to the illegality of said custom and without fault or blame on his part, the said William Jayne, who is now more than 85 years of age, cannot protect himself in the least by causing said Lippincott and said Bunn or either of them, or their descendants or estates to contribute to, or share with him in the payment of the amount due on said bond, covering said two years, being the sum of twenty thousand dollars, but must in spite of his advanced age, feeble health and diminished fortune, after the lapse of thirty-five years from the time of the execution of said bond, bear the whole loss alone; and,

WHEREAS, This unfortunate condition is largely, if not entirely, due to the fact that the State—with full knowledge that said money, without any concealment, was openly claimed and retained by said Lippincott as justly and legally his,—never questioned or challenged in any way his right to retain said moneys, but on the contrary, that officials of the State, executive and legislative, apparently approved thereof; and,

WHEREAS, Said William Jayne was thus, by the conduct of the State, misled into the belief that no liability accrued, or attached to any bondsman on account of the custom of retaining said moneys, and in this way on account of the silence, inaction and apparent acquiescence of the State through its officers became surety on six other of such bonds, which he would not have done but for such silence, inaction and acquiescence, thus increasing his probable liability on account of such bonds to forty thousand dollars, a sum greater than his entire estate at this time; and,

WHEREAS, The instance given is typical of many, if not most, of the other cases involved in these bonds, most of the officers who followed the established custom and retained these moneys having long since passed away, leaving little or no property, or leaving property to descendants who have lost it, thus throwing the burden on innocent parties who would not have assumed the obligation in the bonds if the State had challenged the legality of said custom; and,

WHEREAS, In every instance the State Treasurer and State Auditor made no concealment of the retention of said moneys, but on the contrary transacted all of said business openly and publicly, keeping vouchers fully and clearly covering said matters always open for the inspection of any one interested, and in the firm belief they were acting lawfully, and clearly would have abandoned the said custom if at any time the State had made objection thereto as it now does; and,

WHEREAS, Great injustice, and much hardship will result to many good and law-abiding citizens if further suits are instituted in said matter; and,

WHEREAS, The Supreme Court has now spoken in the matter and notified all concerned as to what the law is in the premises so that there will be no misunderstanding on the subject for the future; therefore, be it

Resolved, by the Senate, the House of Representatives concurring herein, That the institution of further suits on the bonds of State Treasurers, State Auditors, or their bondsmen would bring about a very harsh and morally unjust result which, under all the circumstances, could not reasonably have been foreseen, falling most heavily on parties entirely innocent, and while the General Assembly has no constitutional power to release or extinguish in whole or in part the indebtedness, liability or obligation of any corporation or individual to this State, yet it should express itself against enforcing the collection of a technical indebtedness when it would work moral injustice and irreparable hardship; and, therefore, be it further

Resolved, That in view of the suffering and hardship to innocent parties which would result from further litigation for the recovery of moneys retained in pursuance of said custom by State Treasurers and Auditors, it is the opinion, and it is the sense, of the General Assembly that all further prosecution of suits for the collection or recovery of such moneys be abandoned; and, be it further

Resolved, That such course of action be, and the same is hereby, respectfully recommended by the General Assembly to the officers of the executive department of the State government.

Adopted by the Senate May 8, 1907.

Concurred in by the House May 11, 1907.

URBANA AND CHAMPAIGN RAILWAY, GAS AND ELECTRIC COMPANY.

(House Joint Resolution No. 30.)

Resolved, by the House of Representatives, the Senate concurring therein, That permission and authority are hereby granted to the Urbana and Champaign Railway, Gas and Electric Company, for itself, its successors and assigns, to enter in, along, upon and across the grounds now occupied by the University of Illinois, for the purpose of constructing a single track railway, the same to be constructed and operated upon a strip of land twenty-five feet wide extending from the east line of the property now occupied by the said University of Illinois to the west line thereof, and being more particularly

described as a strip of land twelve and one-half feet on each side of a line within the boundaries of the property now occupied by the said University of Illinois, along a line to be approved by the board of trustees of the University of Illinois connecting with the track or tracks of the said street railway company at the west end of Oregon street, thence along Mathews avenue in the city of Urbana, Illinois, thence across the grounds of said university north of the site of the present agricultural building, to a point on the west line of the property of said university, and thence on Wright street in the city of Champaign, Illinois, so as to connect with the railway of said railway company at the intersection of John street with Wright street in the city of Champaign, Illinois. Said railroad to be constructed and maintained on a surface grade to be approved by said board of trustees, and wherever necessary to construct a curve or curves in said railway on said university grounds, said curve or curves shall be on a radius of one hundred feet. Upon the completion of the construction of said railway the land upon each side thereof shall be restored to its original condition as far as practicable without expense to said board of trustees. Said railway may be operated by electricity or any other motive power except steam, and the board of trustees of the University of Illinois shall have power and authority to regulate the speed and operation of cars while in and upon said premises, and the rights and privileges hereby granted shall continue and remain in full force and effect for a period of twenty years from then and after the passage of this resolution: *Provided, however*, that unless the railway hereby authorized shall be completed and in operation within two years from the date of the passage of this resolution, all rights hereby granted shall cease and determine.

Adopted by the House May 11, 1907.

Concurred in by the Senate May 11, 1907.

WATER SUPPLY FOR CITIES AND VILLAGES.

(Senate Joint Resolution No. 18.)

Resolved, by the Senate of the State of Illinois, the House concurring therein, That in order to better enable the several cities, incorporated towns and villages in the State of Illinois to obtain an adequate supply of water for the use of the inhabitants thereof and for public purposes, permission and authority are hereby granted to each of said cities, towns and villages to construct, maintain and operate intake of supply pipes and tunnels, in, upon and along any of the lands owned by said State under any of the public waters therein, and also to construct, maintain and operate a crib or cribs, or reservoir or reservoirs in, upon and above said lands and in and above the said public waters to be used in connection with such pipes and tunnels and to take from said public waters the necessary quantity and supply of water for the uses and purposes aforesaid.

Provided, that the extent and location of the lands and waters so to be used and appropriated shall be approved by the Governor of said State of Illinois upon application duly made to him asking for such approval: *And, provided, further*, that the rights, permission and authority hereby granted shall be subject to all public rights of commerce and navigation and to the authority of the United States in behalf of such public rights and also to the right of said State of Illinois to regulate and control fishing in said public waters.

Adopted by the Senate May 10, 1907.

Concurred in by the House May 11, 1907.

UNITED STATES OF AMERICA, }
STATE OF ILLINOIS. } ss.

OFFICE OF THE SECRETARY OF STATE.

I, JAMES A. ROSE, Secretary of State of the State of Illinois, do hereby certify that the foregoing Acts and Joint Resolutions of the Forty-fifth General Assembly of the State of Illinois, passed and adopted at the regular session thereof, to the time of taking a recess on May 16, 1907, are true and correct copies of all the original Acts and Joint Resolutions, now on file in the office of the Secretary of State, except Acts in which items of appropriations were vetoed, and also excepting such words, letters and figures as are printed in brackets, thus: [].

[SEAL.] IN WITNESS WHEREOF, I hereto set my hand and affix the
Great Seal of State, at the city of Springfield, this 6th day
of July, A. D. 1907.

JAMES A. ROSE,
Secretary of State.

INDEX TO LAWS.

| | PAGE. |
|--|--------|
| ACCIDENTS—reports to bureau of labor..... | 308 |
| ADAMS, GEORGE F.—appropriation for relief of..... | 18 |
| ADMINISTRATION OF ESTATES—accumulation of trusts, period limited..... | 1 |
| sale of real estate, return of summons..... | 2 |
| ADOPTION OF CHILDREN—revision of act..... | 3 |
| AGRICULTURE—accounts and reports of state board..... | 5 |
| (see, also, "Appropriations.") | |
| ANDERSONVILLE PRISON—appropriation for monument..... | 39 |
| ANIMALS AND BIRDS—animals intended for human food..... | 7 |
| bounty on crows and crow eggs..... | 8 |
| bounty on ground hogs..... | 8 |
| fur-bearing animals, time for killing..... | 9 |
| horseshoer's lien upon animals shod..... | 375 |
| transportation of animals regulated, 51..... | 264 |
| APPOINTMENTS—balliff by supreme court, 11..... | 263 |
| commissioners, Andersonville monument by governor, 2..... | 40 |
| Elias Kent Kane monument by governor..... | 40 |
| Gen. George Rogers Clark monument by governor..... | 41 |
| uniformity of legislation in United States by governor..... | 570 |
| deputy bailiffs of municipal court of Chicago, 17..... | 234 |
| deputy clerks of municipal court of Chicago, 15..... | 233 |
| educational commission by governor..... | 24 |
| examiners of nurses by governor, 1..... | 383 |
| factory inspectors by governor, 2..... | 310 |
| fish wardens and deputies by governor, 4..... | 338 |
| game commissioner by governor, 16..... | 348 |
| game wardens by game commissioner, 16..... | 348 |
| inspector of grain and assistants..... | 492 |
| military and naval officers..... | 558 |
| penitentiary commission by governor..... | 45 |
| person to bury indigent soldiers by county..... | 78 |
| probation officers by county judge, 6..... | 69 |
| state food commission by governor..... | 544 |
| state mining board by governor, 6..... | 388 |
| APPORTIONMENT—insane districts, how made and changed..... | 63 |
| municipal court districts in Chicago, 4..... | 228 |
| school funds by county superintendent, 21..... | 521 |
| wards in Chicago, 4..... | 111 |
| APPROPRIATIONS—agriculture, county fairs and societies..... | 10 |
| agriculture, experiment station..... | 11 |
| farmers' institutes..... | 14 |
| state and county fairs..... | 16 |
| attorney general, suits against Illinois Central railroad company..... | 17 |
| awards by court of claims..... | 18 |
| bee-keepers' association, in aid of..... | 19 |
| canal commissioners, repairs to locks and dams..... | 20 |
| charitable institutions, ordinary expenses..... | 21, 22 |
| soldiers' and sailors' home, purchase of land..... | 22 |
| dairymen's association, in aid of..... | 23 |
| educational commission, expenses..... | 24 |
| educational institutions, ordinary expenses..... | 25 |

APPROPRIATIONS—*Concluded.*

PAGE.

| | |
|--|------------|
| educational institutions, special purposes..... | 26 |
| university of Illinois..... | 28, 29, 30 |
| firemen's association, in aid of..... | 30 |
| fugitives from justice, deficiency..... | 31 |
| general assembly, 45th, incidental expenses..... | 32, 33 |
| 46th, and state officers..... | 33 |
| governor, investigation of Illinois Central railroad company..... | 34 |
| historical library, procuring documents..... | 34 |
| historical volume, "Illinois at Vicksburg"..... | 35 |
| horticultural society, in aid of..... | 37 |
| internal improvement commission, Shawneetown levee..... | 37 |
| Lincoln homestead, repairs..... | 38 |
| live stock breeders' association, in aid of..... | 38 |
| milk producers' institute, in aid of..... | 39 |
| monuments, Andersonville prison..... | 39 |
| Clark, Gen. George Rogers, Quincy..... | 41 |
| Kane, Elias Kent, Randolph county..... | 40 |
| national guard, overcoats and uniforms..... | 42 |
| second infantry and camp Logan..... | 42 |
| seventh infantry, armory..... | 43 |
| penitentiaries, ordinary and other expenses..... | 44 |
| penitentiary commission, new buildings..... | 45 |
| poultry association, in aid of..... | 48 |
| printing and binding, deficiency..... | 48 |
| relief, awards by court of claims..... | 18 |
| Buettner, Mrs. Daniel..... | 50 |
| estate of Justice Wilkin..... | 50 |
| McDonough, Mary E..... | 50 |
| Shawneetown levee, repairs, etc..... | 37 |
| state entomologist, office equipment..... | 50 |
| supreme court building, construction..... | 24 |
| university of Illinois, endowment fund..... | 30 |
| ordinary and special..... | 28, 29 |
| Wilkin, Jacob W., salary to estate..... | 49 |
| ASSESSMENTS—see "Local Improvements" and "Revenue." | |
| ASYLUM FOR FEEBLE MINDED CHILDREN, LINCOLN—appropriation..... | 21, 22 |
| ASYLUM FOR INCURABLE INSANE, SOUTH BARTONVILLE—appropriation..... | 21 |
| name changed to "General Hospital for Insane"..... | 58 |
| ASYLUM FOR INSANE CRIMINALS, MENARD—appropriation..... | 21 |
| ATTORNEY GENERAL—appropriation for suits against Illinois Central railroad Co..... | 17 |
| ATTORNEYS—not to become surety in criminal action, 96..... | 462 |
| AUTOMOBILES—act relating to..... | 510 |
| BADGES—G. A. R., etc., unlawful use prohibited..... | 264 |
| BAILIFF—municipal court of Chicago, election, etc., 15..... | 232 |
| supreme court, appointment, etc., 11..... | 263 |
| BALLOTS—see "Forms Prescribed." | |
| BANKS, STATE—act of 1887 amended..... | 52 |
| negotiable instrument act revised..... | 403 |
| BASTARDY—complaint, examination and bond..... | 56 |
| BEE-KEEPERS' ASSOCIATION—appropriation in aid of..... | 19 |
| BILLS OF EXCHANGE—form, interpretation, acceptance, etc..... | 419 |
| BINDING—appropriation for deficiency..... | 48 |
| BOARD OF REVIEW—see "Revenue." | |
| BOARDS, STATE—equalization, compensation and employes, 116..... | 495 |
| equalization, meetings and final adjournment..... | 495 |
| examiners of nurses, act concerning..... | 383 |
| health, see "Medicine and Surgery" and "State Board of Health." | |
| mining, appointment, term, meetings, etc., 6..... | 388 |
| pharmacy, see "Medicine and Surgery." | |
| BONDS—investments and holdings of life insurance companies..... | 364 |
| BOUNTY—on crows and crow eggs..... | 8 |
| on ground hogs..... | 9 |
| BRIDGES—see "Roads and Bridges." | |
| BRIERLY, SAMUEL B.—appropriation for relief of..... | 18 |

| | PAGE. |
|--|---------|
| BUCKNER, BENJAMIN—appropriation for relief of..... | 18 |
| BUETTNER, MRS. DANIEL—appropriation for relief of..... | 50 |
| BUILDINGS—act concerning structural work..... | 312 |
| BUTTERINE—act concerning manufacture of..... | 309 |
| CANAL COMMISSIONERS—appropriation for repairs to locks and dams..... | 20 |
| CEMETERIES—election of trustees..... | 57 |
| CENTRAL HOSPITAL FOR INSANE, JACKSONVILLE—appropriation..... | 21 |
| CERTIFIED PUBLIC ACCOUNTANTS—act of 1903 amended..... | 472 |
| CHARITABLE EYE AND EAR INFIRMARY, CHICAGO—appropriation..... | 21, 22 |
| CHARITIES—adoption of children, act revised..... | 3 |
| apportionment of state into insane districts..... | 63 |
| appropriations for state institutions..... | 21 |
| asylum for incurable insane, So. Bartonville, name changed..... | 58 |
| children, county detention homes, act concerning..... | 59 |
| in family homes, visitation, 3..... | 63 |
| civil service, act of 1905 revised..... | 204 |
| exemptions from classified service..... | 203 |
| fraternal departments declared charitable institutions, 7..... | 359 |
| insane, act concerning care and curative treatment..... | 63 |
| transfer of incurable..... | 59 |
| juvenile courts, probation officers, outside Cook county..... | 69 |
| revision of act of 1899..... | 70 |
| public hospitals in certain cities..... | 78 |
| soldiers and sailors, burial of indigent..... | 78 |
| relief of indigent..... | 79 |
| soldiers' and sailors' home, Quincy, admission of wife, 3a..... | 82 |
| purchase and sale of real estate..... | 22 |
| soldiers' orphans' home, Normal, admission regulated, 5..... | 83 |
| soldiers' widows' home, Wilmington, matron, 10..... | 84 |
| CHICAGO CHARTER—act providing for..... | 85 |
| adoption of act, article 23..... | 185 |
| apportionment of wards..... | 111 |
| city council, articles 4 and 5..... | 111-132 |
| compulsory education, article 20..... | 180 |
| consolidation of local governments, article 1..... | 85 |
| corporate powers, article 8..... | 144 |
| department of education, article 19..... | 175 |
| elections, in general, chapter 1..... | 88 |
| primary, chapter 3..... | 90 |
| submission of propositions, chapter 2..... | 88 |
| finance, article 11..... | 151 |
| general provisions, article 22..... | 185 |
| indebtedness, article 13..... | 157 |
| local improvements, article 15..... | 161 |
| mayor, article 3..... | 109 |
| officers, article 6..... | 133 |
| parks, article 8..... | 169 |
| police powers, article 9..... | 147 |
| powers for aid, relief and correction, article 10..... | 150 |
| powers of city council, article 5..... | 132 |
| public library, article 21..... | 183 |
| public utilities, article 16..... | 163 |
| revenue, article 12..... | 155 |
| streets and public places, article 14..... | 159 |
| water supply, article 17..... | 168 |
| CHILDREN—Admission to dance halls, when prohibited..... | 305 |
| adoption of, act revised..... | 3 |
| county detention homes, act concerning..... | 59 |
| crimes against, defined..... | 266 |
| (see, also, "Charities.") | |
| CIGARETTES—manufacture, use and sale regulated..... | 265 |
| CITIES AND VILLAGES—appropriations for historic research authorized..... | 374 |
| bridges and approaches outside, when controlled by..... | 501 |
| change of name, proceedings validated, 8..... | 84 |
| Chicago charter, act providing for..... | 85 |
| city council, powers in certain territory, 4..... | 571 |

| CITIES AND VILLAGES— <i>Concluded.</i> | PAGE. |
|--|----------|
| firemen's pension fund, act of 1887 revised..... | 186 |
| house of correction may be used by park commissioners..... | 440 |
| local improvements, act concerning joint improvements..... | 193 |
| waterworks, bridges and viaducts..... | 195 |
| official records, transfer authorized..... | 374 |
| parks in cities under 15,000..... | 431 |
| parks in cities under 50,000..... | 432 |
| police magistrates, election in certain..... | 198 |
| police pension fund, combined service, 3..... | 199 |
| public hospitals in certain cities, tax levy..... | 78 |
| sanitary districts, see "Drainage." | |
| sidewalks, new ordinances when tax is set aside, 8..... | 200 |
| streets adjoining parks, improvement and repairs..... | 429 |
| surface and elevated ways, permission to construct..... | 436 |
| turning over to park boards..... | 433 |
| territory organized as a town..... | 571 |
| town halls in towns co-extensive with cities..... | 572 |
| waterworks and sewer systems, act concerning..... | 201 |
| bridges and viaducts by special assessment..... | 195 |
| CIVIL SERVICE—exemptions from classified service..... | 203 |
| in Chicago, article 7..... | 137 |
| state, act of 1905 revised..... | 204 |
| CLARK, GENERAL GEORGE ROGERS—appropriation for monument at Quincy..... | 41 |
| CLERKS OF COURTS—circuit and probate, fees..... | 323, 324 |
| municipal court of Chicago, election, duties, etc., 14..... | 231 |
| CONVEYANCES—land titles, act of 1897 amended..... | 208 |
| indemnity fund, 102..... | 207 |
| CONVICT LABOR—see "Penitentiaries." | |
| CORN GROWERS' ASSOCIATION—to cooperate with experiment station, 3..... | 21 |
| CORONERS—inquest, jury, testimony, etc..... | 213 |
| permission to embalm dead body, 25..... | 214 |
| CORPORATIONS—accidents to be reported by..... | 308 |
| banks, act of 1887 amended..... | 52 |
| grand army of republic and united Spanish war veterans..... | 214 |
| pools, trusts and combines, notice by state's attorney, 7a..... | 216 |
| COUNTIES—accounts and reports of officers..... | 316 |
| Adams, terms of county court..... | 224 |
| appropriations for historical research authorized..... | 374 |
| assessment list, publication of, 29..... | 499 |
| board of review, clerk of, 30..... | 497 |
| meetings and final adjournment, 34..... | 496 |
| burial of indigent soldiers and sailors..... | 78 |
| Clark, additional term of circuit court..... | 221 |
| Cook, accounts and reports..... | 218, 318 |
| master-in-chancery's fees, 20..... | 328 |
| salaries of county officers, 31..... | 321 |
| state's attorney's fees paid into county treasury..... | 320 |
| state's attorney's salary fixed..... | 323 |
| detention homes for children, act concerning..... | 59 |
| Franklin, additional term of circuit court..... | 221 |
| official records, transfer authorized..... | 374 |
| poor master, appointment in certain cases..... | 571 |
| Putnam, terms of county court..... | 224 |
| tax books to be delivered to collector on January 2d, 52..... | 500 |
| Williamson, additional term of circuit court..... | 220 |
| COURT OF CLAIMS—appropriation for payment of awards by..... | 18 |
| COURTS—circuit, concurrent jurisdiction in farm drainage matters..... | 220 |
| circuit, fees of clerks in 1st and 2d class counties..... | 323, 324 |
| judges, salary fixed, 3..... | 331 |
| terms in first, second and fifth circuits..... | 220, 221 |
| city, additional judges provided for..... | 222 |
| county, Adams, term fixed..... | 224 |
| Putnam, term fixed..... | 224 |
| juvenile, act of 1897 revised..... | 70 |
| probation officers in counties outside of Cook..... | 69 |

COURTS—*Concluded.*

PAGE.

| | |
|--|----------|
| municipal, Chicago, act of 1905 revised..... | 226 |
| practice and procedure in courts of record, revision..... | 443 |
| probate, clerk's fees in 1st and 2d class counties..... | 323 |
| superior, Cook county, time of election of judges..... | 262 |
| salary of judges fixed..... | 331 |
| supreme, appeals, how and when taken..... | 262 |
| appropriation for building..... | 24 |
| bailiff, appointment, duties, salary, etc., 11..... | 263 |
| writ of error, supersedeas and letting to bail..... | 272 |
| CRIMINAL CODE—amusement tickets, sale regulated..... | 268, 269 |
| animals, transportation regulated..... | 264 |
| badges or emblems of grand army republic, etc., unlawful use..... | 264 |
| bastardy, complaint, examination and bond..... | 56 |
| cigarettes, manufacture, use and sale regulated..... | 265 |
| crimes against children defined..... | 266 |
| dramatic composition, unauthorized performance..... | 266 |
| embalming fluids, manufacture, use and sale regulated..... | 267 |
| flags, improper use prohibited..... | 351 |
| paris green, sale regulated..... | 267 |
| tickets to theatres, etc., sale regulated..... | 268, 269 |
| vagabonds, arrest and punishment..... | 271 |
| writ of error, supersedeas and letting to bail..... | 272 |
| CROWS—bounty on, and crow eggs..... | 8 |
| DAIRYING—act revising dairy and food laws..... | 544 |
| appropriation in aid of, 6..... | 13 |
| DAIRYMEN'S ASSOCIATION—appropriation in aid of..... | 23 |
| to coöperate with experiment station, 6..... | 13 |
| DANCE HALLS—admission of minors regulated..... | 305 |
| DEPARTMENT OF JUSTICE—appropriation for construction of building..... | 24 |
| DRAINAGE—circuit courts given concurrent jurisdiction..... | 220 |
| commissioners, election, officers, vacancy..... | 273 |
| districts by mutual agreement, 58..... | 281 |
| drains, ditches and levees, act of 1879 revised..... | 274 |
| interest on installments, use for construction authorized..... | 282 |
| pumping plants, erection, maintenance and repair..... | 283 |
| sanitary districts, act of 1889 revised..... | 287 |
| election of trustees..... | 287 |
| in certain localities, act concerning..... | 289 |
| DRAGS—use on roads authorized..... | 505, 517 |
| DRAMAS—unauthorized performance, etc..... | 266 |
| DRAM SHOPS—anti-saloon territory, act, concerning..... | 297 |
| dance halls, non-admission of minors..... | 305 |
| sale of liquor near United States training schools, etc..... | 306 |
| DRUGGISTS—record of liquor sales in anti-saloon territory, 18..... | 304 |
| (see, also, "Pharmacy.") | |
| DRUGS—standard of strength, etc., 14..... | 382 |
| DUNHAM, CHARLES W.—appropriation for relief of..... | 18 |
| EASTERN HOSPITAL FOR INSANE, KANKAKEE—appropriation..... | 21 |
| EASTERN NORMAL SCHOOL, CHARLESTON—appropriation for ordinary expenses..... | 26 |
| appropriation for special purposes..... | 27 |
| powers of trustees, diplomas, degrees, etc., 12..... | 522 |
| EDUCATION—act creating commission and making an appropriation..... | 24 |
| (see, also, "Schools.") | |
| ELECTIONS—anti-saloon territory, creation and abolition..... | 298 |
| bailiff of municipal court of Chicago, 16..... | 233 |
| banking act, adoption of..... | 52 |
| cemetery trustees, 1..... | 57 |
| Chicago charter, adoption of..... | 186 |
| provisions concerning, article 2..... | 88 |
| Chicago municipal court act, adoption of..... | 261 |
| clerk of municipal court, Chicago, 14..... | 231 |
| county detention home act, adoption or abandonment..... | 61 |
| drainage commissioners, 15a..... | 273 |
| election commissioners, 1..... | 307 |

| ELECTIONS— <i>Concluded.</i> | PAGE. |
|--|---------------|
| judges of municipal court of Chicago, 9..... | 230 |
| judges of superior court of Cook county..... | 262 |
| police magistrates in certain municipalities..... | 198 |
| primary, in Chicago, chapter 3..... | 90 |
| sanitary district trustees, Chicago..... | 287 |
| incertain localities, 5..... | 290 |
| school officers in certain districts..... | 325 |
| township high schools, annexation of territory..... | 535 |
| EMINENT DOMAIN—school authorities may exercise right of..... | 522 |
| submerged and shore lands for park purposes..... | 433 |
| EMPLOYMENT—accidents to be reported to bureau of labor..... | 308 |
| butterine and ice cream factories, inspection of..... | 309 |
| convict labor on new penitentiary, etc., 7..... | 46 |
| on road material..... | 442 |
| factory inspection, department of..... | 310 |
| structural work, act concerning..... | 312 |
| EXPLOSIVES—powder in coal mines..... | 401 |
| use of, in coal mines, 20..... | 398 |
| FACTORIES—see "Employment." | |
| FARMERS' INSTITUTES—appropriation for state and county..... | 14 |
| to cooperate with experiment station, 4..... | 12 |
| with state entomologist..... | 51 |
| FEES AND SALARIES—accounts and reports of county officers..... | 316 |
| automobiles, fee for registration, seal, etc..... | 510 |
| balliff, municipal court of Chicago and assistants, salaries..... | 233, 234 |
| supreme court, 11..... | 263 |
| board of equalization and employes, compensation, 116..... | 495 |
| circuit and probate clerks in 1st and 2d class counties..... | 323 |
| circuit clerks in 1st and 2d class counties, 14..... | 324 |
| civil service commissioners, salary, 18..... | 206 |
| clerk of municipal court of Chicago and deputies, 14 and 15..... | 232 |
| Cook county, salaries of county officers..... | 321 |
| state's attorney's fees paid into treasury..... | 320 |
| state's attorney's salary fixed..... | 323 |
| election commissioners and clerks, salaries..... | 307 |
| factory inspector, assistants and attorney, 2..... | 310 |
| fishing in Lake Michigan, 8..... | 333 |
| fishing with net or seine..... | 343 |
| general assembly, officers allowed extra time..... | 353 |
| horse-shoer's lien, fee for filing claim, 4..... | 376 |
| judges, circuit and superior courts, salaries..... | 331 |
| city courts, 23..... | 223 |
| municipal court of Chicago, 9..... | 230 |
| justices and police magistrates' fees, 40..... | 326 |
| land titles, fees of registrar..... | 212 |
| masters in chancery, fees fixed, 20..... | 328 |
| matron at soldiers' widows' home, 10..... | 84 |
| national guard and naval reserve, pay of officers and men..... | 563 |
| nurses, fee for certificate, etc., 4..... | 385 |
| overseers of highways, compensation, 118..... | 508 |
| pharmacy, fees for registration and renewals..... | 380, 381, 382 |
| road officers, compensation, 49..... | 505 |
| salaries of officers and agents of life insurance companies regulated..... | 371 |
| sanitary district officers in certain localities, 7..... | 271 |
| state agent and visitors, compensation, 3..... | 63 |
| state board of health, compensation of members, 3b..... | 379 |
| state food commissioner and assistants, salaries fixed, 1..... | 544 |
| state officers, salaries fixed..... | 331 |
| state's attorneys, fees fixed, 8..... | 329 |
| FIREMEN'S ASSOCIATION—appropriation in aid of..... | 30 |
| FIREMEN'S PENSION FUND—act of 1887 revised..... | 196 |
| FISH AND GAME—fishing in Lake Michigan, act regulating..... | 332 |
| fish act revised..... | 335 |
| fur-bearing animals, time of killing..... | 9 |
| game act revised..... | 334 |

| | PAGE. |
|---|----------|
| FLAGS—improper use prohibited..... | 351 |
| FLORICULTURE—appropriation in aid of, 6½..... | 13 |
| FOOD—act revising dairy and food laws..... | 543 |
| animals intended for human food, inspection of..... | 7 |
| butterine and ice cream factories, inspection of..... | 309 |
| FORMS PRESCRIBED—act in regard to negotiable instruments..... | 403 |
| adoption notice, child..... | 4 |
| affidavit, of board of review, 38..... | 496 |
| of corporations concerning trusts, etc..... | 217 |
| to report of county officer..... | 317 |
| automobile registration seal, 2..... | 510 |
| ballot, adoption of banking act..... | 56 |
| adoption of Chicago charter..... | 186 |
| adoption of Chicago municipal court act..... | 261 |
| adoption or abandonment of detention home act, 6, 7..... | 61 |
| organization of sanitary districts in certain localities, 3..... | 290 |
| proposition to borrow money for hard roads, 4a..... | 503 |
| proposition to build town hall..... | 572 |
| proposition to create or abolish anti-saloon territory..... | 300, 301 |
| proposition to issue Lincoln park bonds..... | 430 |
| proposition to issue township park bonds..... | 439 |
| submission of propositions in Chicago..... | 89 |
| certificate to bill of indictment to municipal court, 24..... | 239 |
| Chicago ordinances, style of..... | 131 |
| high school annexation election notices and ballot..... | 534, 535 |
| notice to defendants under juvenile court act..... | 73 |
| oath of drainage commissioners..... | 274 |
| order of confirmation in organization of drainage district, 16..... | 277 |
| petition, proposition to borrow money for hard roads, 4a..... | 503 |
| proposition to create anti-saloon territory, 4..... | 299 |
| poll book for primary election in Chicago, 2-3-16..... | 99 |
| statement of votes at primary election in Chicago, 2-3-22..... | 103 |
| verdict under horse-shoer's lien act, 10..... | 377 |
| FUGITIVES FROM JUSTICE—appropriation for return of, deficiency..... | 31 |
| GAME—see "Fish and Game." | |
| GAS—release of forfeited lease..... | 400 |
| GENERAL ASSEMBLY—appropriation, incidental expenses, 45th..... | 32, 33 |
| appropriation, officers and members, 46th..... | 33 |
| continuance of suit for member during session, 66..... | 457 |
| extra time allowed certain officers, 26..... | 353 |
| members exempt from service of civil process during session, 126..... | 470 |
| GENERAL HOSPITAL FOR INSANE—formerly "Asylum for Incurable Insane"..... | 58 |
| transfer of incurable insane..... | 59 |
| GOVERNOR—appointments, Andersonville prison commission..... | 39 |
| appointments, commissioners for uniformity of legislation in United States..... | 570 |
| commissioners of Elias Kent Kane monument in Randolph county..... | 40 |
| commissioners of Gen. George Rogers Clark monument at Quincy..... | 41 |
| educational commission..... | 24 |
| examiners of nurses, 1..... | 383 |
| factory inspectors, 2..... | 310 |
| fish wardens, 4..... | 338 |
| food commission, 1..... | 544 |
| game commissioner, 16..... | 348 |
| grain inspector, 14..... | 492 |
| mining board, 6..... | 388 |
| penitentiary commission..... | 45 |
| appropriation for investigation of Illinois Central railroad company..... | 34 |
| GRAIN—see "Warehouses." | |
| GRAIN DEALERS' ASSOCIATION—to cooperate with experiment station, 3..... | 12 |
| GRAND ARMY OF REPUBLIC—act relating to property of..... | 214 |
| badges, unlawful use of..... | 264 |
| GROUND HOGS—bounty for killing..... | 9 |
| HAYDEN, J. B.—appropriation for relief of..... | 19 |
| HIGHWAYS—see "Roads and Bridges." | |

| | PAGE. |
|---|---------------|
| HISTORICAL LIBRARY—appropriation for procuring documents..... | 34 |
| HISTORICAL RESEARCH—see "Libraries." | |
| HISTORICAL VOLUME—appropriation for "Illinois at Vicksburg"..... | 35 |
| HOLMES, BERTO G.—appropriation for relief of | 19 |
| HORTICULTURE—act relating to San Jose scale, etc..... | 538 |
| appropriation in aid of state society..... | 37 |
| society to coöperate with experiment station, 5..... | 13 |
| with state entomologist..... | 51 |
| HOSPITALS—see "Charities." | |
| HOUSES OF CORRECTION—use by park authorities..... | 440 |
| ICE CREAM—act relating to manufacture of..... | 309 |
| ILLINOIS CENTRAL RAILROAD COMPANY—appropriation for suits against..... | 17, 34 |
| ILLINOIS RIVER—appropriation for repairs to locks and dams..... | 20 |
| ILLINOIS-VICKSBURG MILITARY PARK COMMISSION—appropriation for historical volume | 35 |
| INDUSTRIAL HOME FOR BLIND, CHICAGO—appropriation for ordinary expenses.... | 21, 22 |
| INJURIES—damages for injury in mines, 33..... | 396 |
| INSANE—see "Charities." | |
| INSTITUTION FOR EDUCATION OF BLIND, JACKSONVILLE—appropriation for ordinary expenses..... | 21, 22 |
| INSURANCE—fire, adjustment of claims against county companies..... | 353 |
| fire, county companies, policies regulated, 8..... | 354 |
| fraternal, examination, annual statement..... | 355 |
| management of societies, delegates, etc..... | 356 |
| medical and hospital service, act relating to..... | 357 |
| life, additional information to superintendent, 6a | 359 |
| annual valuation by superintendent, 10..... | 372 |
| deposit of reserve and registration of policies..... | 360, 361, 362 |
| dividends by mutual companies, 14..... | 363 |
| foreign companies, reserve, etc., 16..... | 363 |
| investments and real estate holdings..... | 364 |
| misrepresentation prohibited | 366 |
| policies and annuity bonds, registration of..... | 361 |
| policy provisions specified..... | 367 |
| reserve, deposit and withdrawal of securities..... | 360, 362 |
| salaries of officers and agents..... | 371 |
| INTOXICATING LIQUORS—see "Dram Shops." | |
| JOINT RESOLUTIONS—list of..... | 605 |
| JURORS—coroner's inquest, vacancies, testimony, etc..... | 213 |
| JUSTICES AND CONSTABLES—fees of justices fixed, 40..... | 326 |
| offices in Chicago abolished, 60..... | 257 |
| KANE, ELIAS KENT—appropriation for monument in Randolph county..... | 40 |
| LABOR—see "Employment." | |
| LAKE MICHIGAN—act relating to fishing in..... | 332 |
| LAWS—commission for uniformity of legislation in United States..... | 570 |
| without governor's signature—automobile act, S. B. No. 5..... | 510 |
| bounty on crows, H. B. No. 115..... | 8 |
| fees of circuit and probate clerks, H. B. No. 1..... | 323 |
| fish act, H. B. No. 834..... | 335 |
| inspection of animals, H. B. No. 341..... | 7 |
| road act concerning appeal from jury, S. B. No. 28..... | 507 |
| school districts under special acts, S. B. No. 318..... | 525 |
| state board of health, powers, etc., H. B. No. 468..... | 537 |
| state entomologist, San Jose scale, etc., S. B. No. 168..... | 538 |
| LEVÉE, SHAWNEETOWN—appropriation for repairs..... | 37 |
| LIBRARIES—Chicago public library, article 21..... | 183 |
| employés' pension fund in cities over 100,000..... | 373 |
| historical research, appropriations authorized..... | 374 |
| official records, transfer authorized..... | 374 |

| | PAGE. |
|---|--------|
| LICENSE—automobiles, registration of..... | 510 |
| certified public accountants, act 1903 amended..... | 472 |
| embalming permit from coroner..... | 214 |
| fishing in Lake Michigan, 8..... | 334 |
| fishing with net or seine, 21..... | 343 |
| nurses, registration of..... | 383 |
| pharmacists, registration of..... | 379 |
| physicians, without examination, etc..... | 379 |
| warehouses, see "Warehouses." | |
| LIENS—act relating to horse-shoers..... | 375 |
| LINCOLN HOMESTEAD—appropriation for repairs..... | 38 |
| LIMITATIONS—actions under flag law, 5..... | 352 |
| LIQUORS—see "Dram Shops." | |
| LIVE STOCK—see "Animals and Birds." | |
| LIVE STOCK BREEDERS' ASSOCIATION—appropriation in aid of..... | 38 |
| to coöperate with experiment station, 2..... | 12 |
| LOCAL IMPROVEMENTS—in Chicago, article 15..... | 161 |
| (see, also, "Cities and Villages.") | |
| MCCORMICK, MARY F.—appropriation for relief of..... | 19 |
| MCDONOUGH, MARY E.—appropriation of salary of D. V. McDonough..... | 50 |
| MANDEL, SARAH—appropriation for relief of..... | 18 |
| MAPS—of coal mines to be provided..... | 394 |
| MASTERS-IN-CHANCERY—fees fixed, 20..... | 328 |
| MAYOR OF CHICAGO—Chicago charter, article 3..... | 109 |
| MEDICINE AND SURGERY—act relating to nurses..... | 383 |
| practice of medicine, act of 1899 revised..... | 378 |
| practice of pharmacy, act of 1903 revised..... | 379 |
| MILITARY AND NAVAL CODE—act of 1903 revised..... | 558 |
| pay of officers and enlisted men..... | 569 |
| MILK PRODUCERS' INSTITUTE—appropriation in aid of..... | 39 |
| MINES—act of 1899 revised..... | 387 |
| inspectors and mine managers, examinations, etc., 7..... | 389 |
| maps or plans to be made..... | 394 |
| oil or gas leases, release of forfeited..... | 400 |
| powder and blasting regulated, 20..... | 398 |
| powder, use regulated..... | 401 |
| refuge places in side walls, etc., 21..... | 397 |
| shot firers, act of 1905 amended..... | 401 |
| MINORS—admission to dance halls, when prohibited..... | 305 |
| MONUMENTS—Andersonville prison, appropriation..... | 39 |
| appropriation for historical volume, "Illinois at Vicksburg"..... | 35 |
| Clark, General George Rogers, at Quincy, appropriation..... | 41 |
| Kane, Elias Kent, in Randolph county, appropriation..... | 40 |
| MOTOR VEHICLES—act relating to..... | 510 |
| NATIONAL GUARD—appropriation, overcoats and uniforms..... | 42 |
| appropriation, second infantry and camp Logan..... | 42 |
| seventh infantry, armory..... | 43 |
| military and naval code, act of 1903 revised..... | 558 |
| pay of officers and enlisted men..... | 569 |
| NEGOTIABLE INSTRUMENTS—act in regard to..... | 403 |
| NOTICES—adoption of child..... | 4 |
| high school annexation election..... | 534 |
| to defendant pauper by summons..... | 441 |
| NORTHERN HOSPITAL FOR INSANE, ELGIN—appropriation..... | 21, 22 |
| NORTHERN STATE NORMAL SCHOOL, DEKALB—appropriation for ordinary expenses..... | 26 |
| appropriation, special purposes..... | 27 |
| powers of trustees, diplomas, degrees, etc., 12..... | 524 |
| OATH—drainage commissioner, form of..... | 274 |
| OIL—release of forfeited lease..... | 400 |
| PARIS GREEN—act relating to sale of..... | 267 |

| | PAGE. |
|---|---------------|
| PARKS—additional bond issue from time to time..... | 427 |
| annual reports, when submitted..... | 433 |
| bonds for connection of parks..... | 428 |
| Chicago charter provisions, article 18..... | 169 |
| highways adjoining, improvements and repairs..... | 429 |
| houses of correction, use authorized..... | 440 |
| in cities under 15,000..... | 431 |
| in cities under 50,000..... | 431 |
| Lincoln park bond issue of one million dollars..... | 430 |
| salary of secretary of board of two or more towns..... | 433 |
| submerged and shore lands, act relating to..... | 433 |
| surface and elevated ways, permission to construct..... | 436 |
| taking over by | 436 |
| township bond issue authorized..... | 438 |
| acquisition and maintenance | 437 |
| violation of ordinances, commitments, etc..... | 440 |
| PAUPERS—notice to defendant by summons, 5..... | 441 |
| PENALTY—damages sustained by steam engine on public highway, 4..... | 519 |
| failure to provide map of coal mine, 1..... | 394 |
| to release forfeited oil or gas lease..... | 400 |
| to report accidents, 3..... | 308 |
| to work on roads at specified time, 51..... | 505 |
| fishing in Lake Michigan without license..... | 334 |
| killing fur-bearing animals, 2..... | 9 |
| making false statements of school attendance, 4..... | 521 |
| misrepresentations by life insurance companies..... | 366 |
| selling liquor near United States training schools, etc..... | 306 |
| violation, anti-saloon territory act..... | 302, 303 |
| banking act | 52, 54 |
| butterine and ice cream act, 5 | 309 |
| Chicago primary law | 104, 109 |
| dairy and food act | 544 |
| fish act | 341, 342 |
| game act | 344 |
| health act, 2 | 537 |
| mining acts | 394, 396 |
| motor vehicle act, 19 | 516 |
| nursery stock act | 538 |
| nurses act | 386 |
| pharmacy act | 382 |
| road drag act | 517 |
| shot firers' act | 401 |
| structural work act | 314 |
| warehouse act, 5 | 492 |
| warehouse receipt act | 487 |
| PENITENTIARIES—convict labor on road material..... | 442 |
| new buildings, commission, appropriation..... | 45 |
| PENSION FUNDS—firemen's, act of 1887 amended..... | 186 |
| library employes in cities over 100,000..... | 373 |
| police, combined service, etc..... | 199 |
| teachers and employes, interest on school funds..... | 528 |
| teachers in cities over 100,000, revision..... | 529 |
| PETERSON, CHARLES A.—appropriation for relief of..... | 19 |
| PHARMACY—act of 1903 revised..... | 379 |
| PHILLIPS, EUGENE B.—appropriation for relief of..... | 19 |
| POLICE—pension fund, combined service, etc., 3..... | 199 |
| powers in Chicago, article 9..... | 147 |
| POLICE MAGISTRATES—election of, in certain municipalities..... | 198 |
| fees fixed | 326 |
| offices in Chicago abolished, 60..... | 257 |
| POOR MASTER—appointment by county board, 5..... | 571 |
| POULTRY ASSOCIATION—appropriation in aid of..... | 48 |
| PRINTING AND BINDING—appropriation..... | 48 |
| PRACTICE—act relating to..... | 443 |
| in Chicago municipal court..... | 235, 247, 248 |

| | PAGE. |
|--|----------|
| PUBLIC ACCOUNTANTS—act of 1903 amended..... | 472 |
| RAILROADS—consolidations and mergers, ratification..... | 473 |
| crossings, interlocking devices, 3..... | 474 |
| permission to make, 1..... | 475 |
| Illinois Central, appropriation for suits against..... | 17, 34 |
| interurban and street included in act..... | 476 |
| rates for transportation of passengers..... | 476 |
| shipping nursery stock, etc., 2..... | 540 |
| REAL ESTATE—holdings of life insurance companies..... | 364 |
| land titles, act of 1897 revised..... | 208 |
| indemnity fund..... | 207 |
| oil and gas leases, release of forfeited..... | 400 |
| sale of, by administrator or executor..... | 2 |
| RESOLUTIONS, JOINT—list of..... | 605 |
| REVENUE—board of equalization, salary, employes, etc..... | 494 |
| board of review and equalization, meetings, etc..... | 495 |
| Chicago charter provisions concerning, article 12..... | 155 |
| clerk of board of review in certain counties, 30..... | 497 |
| general levy for State purposes..... | 498 |
| publication of assessment list, 29..... | 499 |
| tax books, when delivered to collector, 52..... | 500 |
| ROADS AND BRIDGES—approaches to bridges on or near town and county lines.. | 500 |
| automobiles, act relating to..... | 510 |
| bridges and approaches outside cities and villages..... | 501 |
| convict labor on road material, act of 1905 amended..... | 442 |
| drags, use authorized..... | 504, 517 |
| hard roads, borrowing money, etc..... | 503 |
| in counties not under, etc., pay of officers, work on road..... | 504 |
| width of road, exception, vacation, etc., 76..... | 506 |
| in counties under, etc., appeal from jury on value of land, 62a..... | 507 |
| compensation of overseers, 118..... | 508 |
| width, alteration and vacation of roads..... | 509 |
| steam engines on public highways, 4..... | 519 |
| SANITARY DISTRICTS—see "Drainage." | |
| SAN JOSE SCALE—act relating to..... | 538 |
| appropriation to prevent introduction, etc..... | 51 |
| SCHOOL FOR DEAF, JACKSONVILLE—appropriation..... | 21, 22 |
| SCHOOLS—annual tax levy, incidental expenses defined, 202..... | 519 |
| apportionment and distribution of funds, 21..... | 521 |
| appropriation, State normals, ordinary..... | 25 |
| state normals, special..... | 26 |
| attendance regulated, exceptions..... | 520 |
| authorities may exercise right of eminent domain..... | 522 |
| compulsory education in Chicago, article 20..... | 180 |
| department of education in Chicago, article 19..... | 175 |
| districts under special charters..... | 525 |
| election of officers in certain districts..... | 525 |
| high school, privileges for graduates of eighth grade..... | 523 |
| township, annexation of territory..... | 534 |
| inspectors in certain districts, election..... | 525 |
| medical, admission regulated, 2a..... | 378 |
| normal scholarships for graduates of eighth grade..... | 523 |
| normals, eastern, diplomas, degrees, etc..... | 522 |
| northern, diplomas, degrees, etc..... | 524 |
| southern, diplomas, degrees, etc..... | 527 |
| State, diplomas, degrees, etc..... | 527 |
| sale of liquor prohibited near United States training schools..... | 306 |
| State school fund, general tax levy for..... | 498 |
| teachers' and employes' pension fund, interest on school funds..... | 528 |
| teachers' pension fund in cities over 100,000, revision..... | 529 |
| university of Illinois, appropriation, endowment fund..... | 30 |
| appropriation, ordinary and special..... | 28, 29 |
| SIDEWALKS—new ordinance when tax is set aside..... | 200 |

| | PAGE. |
|--|----------|
| SOLDIERS AND SAILORS—burial of indigent by county..... | 78 |
| relief to indigent..... | 79 |
| SOLDIERS' AND SAILORS' HOME, QUINCY—admission of wives..... | 82 |
| appropriation, ordinary expenses..... | 21, 22 |
| purchase and sale of real estate..... | 22 |
| SOLDIERS' ORPHANS' HOME, NORMAL—admission regulated, 5..... | 83 |
| appropriation, ordinary expenses..... | 21, 22 |
| SOLDIERS' WIDOWS' HOME, WILMINGTON—appropriation, ordinary expenses.... | 21, 22 |
| matron, appointment, salary, etc., 10..... | 84 |
| SOUTHERN HOSPITAL FOR INSANE, ANNA—appropriation, ordinary expenses..... | 21 |
| SOUTHERN NORMAL UNIVERSITY, CARBONDALE—appropriation, ordinary expenses.. | 26 |
| appropriation, special purposes..... | 27 |
| powers of trustees, diplomas, degrees, etc., 12..... | 527 |
| SOUTHERN PENITENTIARY, CHESTER—appropriation, ordinary and special..... | 44 |
| (see, also, "Penitentiaries.") | |
| STATE'S ATTORNEY—Cook county, fees paid into treasury..... | 320 |
| Cook county, salary fixed..... | 323 |
| fees fixed, 8..... | 329 |
| notice to corporations by..... | 218 |
| STATE BOARD OF HEALTH—powers, etc., act revised..... | 537 |
| (see, also, "Medicine and Surgery.") | |
| STATE ENTOMOLOGIST—appropriation, duties, equipment..... | 50 |
| San Jose scale and other dangerous insects, revision..... | 538 |
| STATE FOOD COMMISSIONER—act revising dairy and food laws..... | 543 |
| STATE MILITIA—military and naval code..... | 558 |
| pay of officers and enlisted men..... | 569 |
| STATE NORMAL UNIVERSITY, NORMAL—appropriation, ordinary expenses..... | 26 |
| appropriation, special purposes..... | 27 |
| powers of trustees, diplomas, degrees, etc., 12..... | 527 |
| STATE OFFICERS—appropriation for salaries..... | 33 |
| salaries fixed..... | 331 |
| STATE PENITENTIARY, JOLIET—appropriation, ordinary and other expenses..... | 44 |
| (see, also, "Penitentiaries.") | |
| STATE VETERINARIAN—inspection of animals intended for human food..... | 7 |
| STATUTES—commission for uniformity of legislation in United States..... | 570 |
| ST. CHARLES SCHOOL FOR BOYS, ST. CHARLES—appropriation..... | 21, 22 |
| STREET RAILROADS—permission to make crossings, 2..... | 476 |
| STRUCTURES—erection and construction regulated..... | 312 |
| TAXATION—see "Revenue." | |
| TICKETS—acts relating to..... | 268, 269 |
| TILLOTSON, EBENEZER—appropriation for relief of..... | 18 |
| TITLES—see "Conveyances." | |
| TOWN HALLS—In towns co-extensive' with cities..... | 572 |
| TOWNSHIP ORGANIZATION—city territory organized as a town..... | 571 |
| town halls in towns co-extensive with cities..... | 572 |
| township high schools, annexation of territory..... | 534 |
| township parks, acquisition and maintenance..... | 437 |
| bond issue authorized..... | 438 |
| TRAINING SCHOOL FOR GIRLS, GENEVA—appropriation for ordinary expenses.... | 21, 22 |
| TRUST FUNDS—period of accumulation limited..... | 1 |
| TRUSTS AND COMBINES—affidavit, notice by State's attorney..... | 216 |
| UNDERTAKER—permission to embalm dead body..... | 214 |
| UNITED SPANISH WAR VETERANS—act relating to property of..... | 214 |
| badges, unlawful use..... | 264 |
| UNITED STATES—sale of liquor near training schools prohibited..... | 306 |
| UNIVERSITY OF ILLINOIS, URBANA—appropriation, endowment fund..... | 30 |
| appropriation, ordinary and special..... | 28, 29 |
| VAGABONDS—arrest and punishment..... | 271 |
| VEHICLES—act relating to motor vehicles..... | 510 |
| (see, also, "Roads and Bridges.") | |

| | PAGE. |
|--|-------|
| WAREHOUSES—act of 1871 revised..... | 491 |
| appeals regulated..... | 490 |
| receipts, act in regard to..... | 477 |
| act of 1901 amended..... | 489 |
| WATERWORKS—act relating to..... | 201 |
| by special assessments..... | 195 |
| water supply in Chicago, article 17..... | 168 |
| WESTERN HOSPITAL FOR INSANE, WATERTOWN—appropriation..... | 21 |
| WESTERN STATE NORMAL SCHOOL, MACOMB—appropriation, ordinary..... | 26 |
| appropriation, special purposes..... | 27 |
| WILDHAGEN, JOHN—appropriation for relief of..... | 18 |
| WILKIN, JUSTICE JACOB W.—appropriation of salary to estate..... | 49 |
| WILLS—period of accumulation of trusts limited..... | 1 |
| WRITS OF ERROR—supersedeas and letting to bail..... | 271 |

JOINT RESOLUTIONS.

| | |
|--|-----|
| Adjournment, January 10-15 | 575 |
| January 24-29 | 575 |
| January 31-February 5 | 575 |
| February 21-26 | 575 |
| March 28-April 3 | 576 |
| April 12-17 | 576 |
| May 11-15 | 576 |
| May 16-October 8 | 576 |
| Blue Book | 577 |
| Bridge across Hamburg Bay, in Calhoun county..... | 577 |
| Canvass of election returns..... | 578 |
| Chicago and Northwestern Railway Company..... | 578 |
| Death of Daniel Buettner..... | 578 |
| Deep waterway—joint committee meeting..... | 579 |
| Election of United States Senator..... | 579 |
| Election of United States Senators by direct vote of the people..... | 580 |
| Elgin and Belvidere Electric Company..... | 580 |
| Elgin, city of—permission to construct outlet sewers..... | 580 |
| Employment of women and children | 581 |
| General Assembly—new furniture for Senate and House..... | 581 |
| Historical library—loan of articles..... | 582 |
| Improvement of streets adjoining West park system, Chicago..... | 582 |
| Jacksonville Water Works Company—easement..... | 583 |
| Logan war trophies—souvenirs—mementoes..... | 584 |
| Major Joseph W. Wham..... | 585 |
| Northern Insane Hospital—sale of sand and gravel..... | 585 |
| Occupational diseases..... | 586 |
| Rivers and harbors bill in Congress..... | 586 |
| Soldiers' Orphans' Home—conveyance of land..... | 587 |
| Suits on bonds of State Treasurers and State Auditors..... | 588 |
| Urbana and Champaign Railway, Gas and Electric Company..... | 589 |
| Water supply for cities and villages..... | 590 |



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